

CAUSE NO. 3:14-CV-04152-B

JOSEPH COOPER

§ IN THE UNITED DISTRICT COURT

Plaintiff,

§

vs.

§ NORTHERN DISTRICT OF TEXAS

BRODERICK STEVEN "STEVE"
HARVEY

§ DALLAS DIVISION

Defendant.

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**EXPERT REPORT OF SCOTT A. BARNES, CPA, CFF, CGMA
DECEMBER 3, 2015**



SUMMARY OF OPINIONS

1. Based on my independent review and analysis of the documents produced in this matter, as well as, my review of the authoritative literature generally relied upon by financial and economic damages experts, I have reached the following opinions regarding the expert report and opinions of Michael A. Einhorn, Ph.D, ("Einhorn") dated July 10, 2015:

- A. Mr. Einhorn's opinions and report are based on a material misapplication of the Yardstick¹ Methodology to quantifying lost sales and economic damages. The failure to properly apply the Yardstick Methodology results in his analysis being wholly unreliable and fatally flawed.
- B. Mr. Einhorn's opinions with respect to any alleged lost sales, lost royalties and/or lost profits are speculative, erroneously derived and not based on any objective facts, figures or data.

Also, I have been requested to review the damage claims made by Defendant Steve Harvey in this matter related to the alleged claims of (1) invasion of privacy, (2) violation of right of publicity and (3) conversion. If the trier of fact makes a finding of liability against the Plaintiff related to one or more of these claims, the defendant would generally be allowed an accounting of any sales of any DVDs or other products sold by the Plaintiff to assess the unjust enrichment received by the Plaintiff and/or other reasonable compensation for the use of Mr. Harvey's name, likeness or other personal attributes as a comedic artist. Based on the documents produced in this matter an estimated fair market value of Mr. Harvey's services is \$350,000.

¹ The Einhorn report dated July 10, 2015 refers to the methodology as a "Benchmark" approach, which is a term commonly used interchangeable with "Yardstick." For purposes of my report, I have used the term "Yardstick," which is the terminology used within the authoritative and professional literature discussing the proper methodologies in assessing and quantifying lost sales and economic damages. See Attachment 2 for a listing of certain professional and authoritative literature generally relied upon by financial experts.

QUALIFICATIONS

2. I am the Chairman of the Board and Chief Executive Officer of Barnes & Company and its affiliates. In that capacity, I specialize in providing complex and sophisticated commercial litigation consulting services with respect to accounting, economic damages, forensic analyses and business valuation. From June 2002 to March 2005, I was a Director with AlixPartners, LLC in Dallas, Texas where I also specialized in complex and sophisticated commercial litigation consulting. Prior to joining AlixPartners, I was a shareholder with Jackson & Rhodes P.C. for a period of nine years where I also specialized in complex and sophisticated commercial litigation consulting services, general management consulting services and the audit of financial statements. From 1985 to 1990, I was an employee in the audit department of the international accounting firm of KPMG where I planned, conducted and supervised the audits of numerous multi-national privately held and publicly traded business entities.

3. I am a Certified Public Accountant licensed in the State of Texas. Additionally, I have been awarded the Certified in Financial Forensics ("CFF") and Chartered Global Management Accountant ("CGMA") credentials by the American Institute of Certified Public Accountants. From 2000 to 2005, I was also an Associate Editor of the *National Litigation Consultant's Review*, a national publication focused on peer discussions, reviews and publication of economic damage issues and methodologies within litigation and alternative dispute resolution matters. Likewise, I am a member of the American Institute of Certified Public Accountants ("AICPA"), the Texas Society of Certified Public Accountants, the Association of Certified Fraud Examiners and the AICPA Forensic and Valuation Services practice section. I have been performing consulting services assisting lawyers in accounting, fraud, finance, valuation and

economic damages related issues for the last 20 years. I am fully aware of the methods and procedures utilized in the measurement of economic damages and the professional standards associated with the AICPA. I have published numerous articles on the subject of economic damages, business valuation and professional standards in the performance of litigation services. Additionally, I have written manuscripts utilized in training courses to educate both legal and accounting professionals in the methods and procedures to be utilized in the measurement of economic damages and the valuation of business enterprises. Included as **Attachment 1** (attached hereto and incorporated herein by reference) are my curriculum vitae and litigation history. I am being compensated at the rate of \$400 per hour. Other professionals who have supported my analysis in this matter are being compensated at \$100 to \$400 per hour.

4. This report summarizes my findings and conclusions regarding the work performed in the above-styled case. The services performed are consulting in nature. The procedures applied in this case do not constitute an examination of any financial statements or financial data in accordance with generally accepted auditing standards, and as such, I am not issuing any opinions based on an audit or examination of any financial statements in accordance with generally accepted auditing standards. I have formulated the opinions contained in this report based on an independent third party perspective, utilizing generally accepted approaches and methodologies for accounting, business valuation, economic damages, and financial analysis and the professional standards promulgated by the AICPA with respect to litigation consulting and valuation services. Document discovery in this matter is ongoing and I may supplement my report. Our efforts are also ongoing with respect to certain documentation procedures related to the analyses performed to date to identify any errors or omissions. If these

documentation procedures identify any errors or omissions, I will supplement accordingly. I intend to review any supplemental expert reports and/or work product produced by the Plaintiff's expert.

5. Note that throughout this report I have used the terms "we," "us," and "our" to refer to the work that was performed by me, at and/or under my direction.

6. This report is prepared solely for Defendant counsel for their use in the above-described litigation. Neither this report nor any portion thereof may be used for any other purpose or distributed to any third party not associated with the above described litigation without the express written consent of Scott A. Barnes, individually, except as required by court order.

SCOPE OF ENGAGEMENT

7. In connection with the above styled litigation, I have been asked to independently review the documents produced to me in this matter, including the Einhorn expert report dated July 10, 2015. The purpose of my analysis was to review the methodologies applied and opinions reached by Mr. Einhorn.

8. Additionally, I have been asked to independently review the alleged counterclaims made by the Defendant Steve Harvey related to his claims of (1) invasion of privacy, (2) violation of right of publicity and (3) conversion and the possible damages applicable to those claims assuming the trier of fact makes a finding of liability against the Plaintiff.

9. My review has not included any assessment or opinions related to the alleged agreements at issue in this matter or the intellectual property rights inherent in the assignment and transfer of rights to develop and market derivative entertainment products in the media industry.

DOCUMENTS CONSIDERED

10. **Attachment 2** represents the specific documents produced to me or that were independently obtained and on which I have relied for purposes of my overall analysis.

11. It is our understanding that discovery in this matter is ongoing and we may receive additional documents and deposition testimony. Accordingly, I may supplement my report based on the production of additional documents.

BACKGROUND SUMMARY

Alleged Breach of Contract and Alleged Tortious Interference with Business Relationships

12. Plaintiff alleges that on or about March 20, 1993, Joseph Cooper d/b/a Close Up Video Productions (collectively "Cooper") entered into a contractual arrangement with Steve Harvey Comedy House and Broderick Steven "Steve" Harvey (collectively "Harvey") for the performance of certain video recording and production of marketing materials of live comedic performances of Mr. Harvey and others. Plaintiff also alleges that the contractual arrangement also included the alleged assignment and transfer of certain copyright and other intellectual property rights of Mr. Harvey, allowing Mr. Cooper the exclusive right to develop, produce, distribute and sell derivative video works from the live performances recorded. The documents and legal filings produced in this matter indicated that the Defendant, Mr. Harvey, disputes such allegations.

13. Plaintiff also alleges that Mr. Harvey and his representatives tortiously interfered with Mr. Cooper's prospective business relations, specifically related to an

alleged January 20, 2014 Licensing and Distribution Agreement with Music Video Distributors, Inc. (“MVD”) related to an exclusive worldwide license to promote, advertise, sell and distribute a derivative work from the original live recordings titled *Steve Harvey Live, Raw and Uncensored*. The documents and legal filings produced in this matter indicated that the Defendant, Mr. Harvey, disputes such allegations.

GENERALLY ACCEPTED ECONOMIC DAMAGES METHODOLOGIES

The Purpose of Economic Damages

14. The general purpose of economic damages is to put the plaintiff in the same financial position it would have been in “but for” the actions of the defendant. The authoritative literature and prior court cases related to the assessment and quantification of lost profits identify three generally accepted approaches: (1) Before and After Approach, (2) Yardstick Approach and (3) Market Forecast Approach. In a breach of contract matter, a fourth generally accepted approach is the assessment and quantification of lost profits over the remaining term of the contract. The general standard for quantifying lost profit damages is to determine within a reasonable degree of certainty the estimated financial damages that would put the plaintiff in the same economic position (e.g., the amount of profits to be received) but for the actions or inactions of the defendants.

Generally Accepted Methodologies

15. The “Before and After Approach” quantifies estimated lost profits by using time periods before and after the alleged event that resulted in the economic damage and/or lost profits. This generally requires reviewing the financial performance of the plaintiff prior to the alleged event and comparing it to the financial performance

subsequent to the alleged event. The difference between the financial performance and/or the difference in profit levels results in the lost profits estimate. Generally the “Before and After Approach” is used related to contract disputes, tortious interference with contracts, breach of contract, business interruption, fraud and other legal claims whereby the plaintiff enjoyed (or should have enjoyed) the economic benefits from an agreement, contract and/or business relationship and those benefits were subsequently interrupted, delayed or terminated.

16. The “Yardstick Approach” quantifies estimated lost profits by using a benchmark, comparable circumstance, index or similar guideline entity that reasonably resembles the economic opportunity or economic performance that the plaintiff would have reasonably experienced but for the alleged actions or inactions of the defendants. This generally requires (1) reviewing and identifying the economic and financial performance of other locations, customers, competitors or contracts of the plaintiff, (2) identifying industry resources and industry competitors, (3) reviewing the financial and economic performance of the defendants and (4) identifying related entities, competitors and/or transactions that correspond to the financial transaction at issue. Generally the “Yardstick Approach” is used to quantify lost profits in new and unestablished businesses, contract disputes, tortious interference with contracts, breach of contract, business valuation and other legal claims whereby the plaintiff enjoyed the economic benefits from an agreement, contract and/or business relationship and those benefits were subsequently interrupted, delayed or terminated.

17. The “Market Forecast Approach” quantifies estimated lost profits by developing financial models and forecasts of the financial performance of the plaintiff using various hypothetical assumptions and empirical data to model the financial event at

issue. This generally requires preparing financial projections and forecasts based on the plaintiff's expected performance and/or prior historical performance. Generally, the "Market Forecast Approach" is used in legal disputes involving new and unestablished businesses, business valuation, the valuation and realizability of assets, intellectual property infringement, contract disputes and other legal claims whereby the plaintiff enjoyed (or expected to enjoy) the economic benefits from an agreement, contract and/or business relationship and those benefits were subsequently interrupted, delayed or terminated.

Selection of the Proper Methodology to Apply

18. The determination of which generally accepted methodology to apply in a litigation matter is based on the specific facts of a case and the best available proof and/or best available evidence supporting an alleged claim for economic damages. It is possible that multiple methodologies might be considered and applied in the same matter to estimate economic damages under alternative theories and fact issues. For example, a "Before and After Approach" and "Market Forecast Approach" can both be appropriate methodologies in a breach of contract matter whereby the plaintiff enjoyed a historical pattern of sales prior to the alleged act of the defendant that caused an interruption and/or a cessation of the sales under the contract. Likewise, a "Market Forecast Approach" and "Yardstick Approach" can both be appropriate methodologies to apply in a claim of tortious interference of a contract for a new and/or newly unestablished business whereby the sales associated with a contract or pending contract were interrupted by the alleged act of the defendant.

Use of the Yardstick Methodology

19. Under the proper fact and business situation, the use of the Yardstick Approach can be appropriate; however, application of the methodology requires the identification of a business venture or opportunity that is sufficiently comparable to the facts and business situation at issue in the litigation matter.² The process of identifying a suitable “yardstick” entity requires a methodical assessment, collection of data, analysis and reconciliation of the differences between the “yardstick” and the subject entity. Critical for the application of the Yardstick Approach is the consideration of “other factors that could have caused the plaintiff’s performance to differ from the yardstick selected and show how those factors have been taken into consideration.”³ Generally, no two business entities are identical resulting in a heightened requirement to properly apply the Yardstick Approach when chosen. Examples of possible yardsticks that might be employed in the calculation of lost sales include:

- The performance of the plaintiff at a different location (e.g., franchised operations);
- The plaintiff’s actual experience versus past budgeted results;
- The actual experience of a similar business unaffected by the defendant’s alleged actions;
- Comparable experience and projections by non-parties to the litigation;
- Industry averages; and
- Pre-litigation projections of the Plaintiff.⁴

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² See AICPA Practice Aid 06-04, *Calculating Lost Profits*, paragraph 68, p. 26.

³ *Ibid*, paragraph 69, p. 26.

⁴ *Ibid*, paragraph 67, p. 26.

20. The general process of applying the Yardstick Approach follows the following investigative, research and analytical steps:

- *Identify* comparable or similar “yardstick” entities based on business entities or opportunities within the same industry, geographic, operational, product or line of business;
- *Collect data* on the “yardstick” entities;
- *Analyze* the “yardstick” entities to ascertain level of comparability with subject entity. This would include, but is not be limited to, an analysis of the comparability/similarity of:
 - Business strategies,
 - Levels of profitability,
 - Size,
 - Products,
 - Lines of business,
 - Distribution channels,
 - Marketing strategies,
 - Customer base,
 - Terms and conditions of business,
 - Sources of supply,
 - Manufacturing/Outsourcing strategy and capacity, and
 - Capital structure.
- *Adjust* the “yardstick” entities analysis to reconcile to the subject entity. This would include, but is not limited to, adjustments for:
 - Size,
 - Differing levels of profitability due to scale or purchasing power,
 - Differing cost structures,
 - Differing distribution channels,
 - Differing terms and conditions of business,
 - Differing product quality and pricing strategies,
 - Obsolescence, and
 - Differing business track record (e.g., unestablished vs. well established)
- *Document* conclusion.

The application of the Yardstick Approach methodology is even more difficult and requires further effort by an expert when applied in litigation matters involving intellectual property and film and media properties.

ANALYSIS OF THE EINHORN REPORT AND OPINIONS

Einhorn Materially Misapplies the Yardstick Methodology

No Analysis, Assessment, Documentation or Support for Selection of Yardstick.

21. Within his report, Mr. Einhorn attempts to apply a Yardstick Approach methodology; however, his application of the methodology is fatally flawed, erroneous and results in unreliable and speculative conclusions. Significant among the glaring material errors is the complete lack of any independent investigation, research, analysis or assessment of the yardstick DVD selected or the subject DVD the yardstick was being compared. For purposes of his analysis, Mr. Einhorn (in collaboration with Plaintiff's legal counsel) selected as the yardstick a DVD of a 2008 performance by Mr. Harvey titled *Still Trippin*. The subject comparison is an alleged DVD of a 1993 performance (or series of performances) by Mr. Harvey recorded and developed by Mr. Cooper. First, Mr. Einhorn failed to even view the videos at issue to ascertain any similarity or comparability for purposes of applying a yardstick methodology.

Deposition of Michael Allan Einhorn, Ph.D dated November 20, 2015, Pages 73 to 74 (Lines 14 to 25 and Lines 1 to 11)

Q. The benchmark that you decided to use, again, was the 2008 video, *Still Trippin*', correct?

A. Correct.

Q. ***Did you review that video?***

A. ***No.***

Q. ***You didn't look at it yourself?***

A. ***No.***

Q. Did you have any of your staff or assistants look at it?

A. No. I looked it up on Amazon.com and read the reviews of other people.

Q. *But just so we're clear, you did not review the 2008 DVD of Still Trippin'?*

A. *Correct.*

Q. *You also did not review any of the 1993 materials which Mr. Cooper is saying he had the rights to?*

A. *Correct.*

Q. *So you didn't review the two products that you claim are benchmarks for each other?*

A. *Correct.*

[Emphasis Added]

22. Based on Mr. Einhorn's deposition testimony, he has performed no independent investigation, research or expert work in the assessment of the yardstick selected as the basis of his report.⁵ With no visual inspection of the videos, Mr. Einhorn cannot even identify or assess whether or not there is any similarity or comparability between the two DVD products. Accordingly, his entire yardstick analysis is fatally flawed, erroneous and unreliable. Additionally, Mr. Einhorn has failed to take into consideration the obvious differences between the two videos and the impact of those differences may have on both the marketability and the ultimate demand within the market place for the 1993 video performance of Mr. Harvey compared to the yardstick performance from 2008. The fact that an approximately 15 year time difference between the two performances raises critical issues of the significant differences between the two DVD products, including but not limited to, the quality of DVD production, style of performance, technological change in recording and sound capabilities and fundamental

⁵ Furthermore, based on a review of the documents and deposition testimony produced to me in this matter, there is no third-party expert opinion that Mr. Einhorn has relied upon with respect to the selection of *Still Trippin'* as the basis of the yardstick selection.

generation change of relevant subject matter. Further impacting this assessment of the vast time period difference is the fact that Mr. Einhorn's alleged economic damages start in 2014, which is approximately 21 years after the 1993 performance at issue in Mr. Cooper's DVD.

The Underlying 2008 Sales Data for Still Trippin and Methodology of Quantifying Sales is Flawed, Speculative and Unreliable

23. Ignoring the glaring misapplication of the Yardstick Approach methodology associated with the selection of *Still Trippin* as the yardstick, the methodology used to quantify historical sales of *Still Trippin* is similarly flawed and unreliable. Mr. Einhorn relied upon third-party research⁶ of historical sales data which was based on intermittent and sporadic cached website screens from Amazon.com identified through use of the website archive.org. The reliability and accuracy of the data used by Mr. Einhorn, and which was supplied by the third party, cannot be independently verified. Based on a review of Mr. Einhorn's report, the estimated daily sales supplied by the third-party was based on an unknown methodology to convert disclosed "Amazon rankings" to a "average daily sales estimate." An "Amazon ranking" is generally defined as the amount of time since a specific item offered through Amazon last sold. The lower the ranking number, the more recent that a sale of the item occurred and the higher the ranking reflects the longer period of time since an item sold. Accordingly, attempting to convert "rankings" into "estimated sales" by its nature is speculative and unreliable because the entire dataset for which Amazon uses to calculate the ranking is unknown and unpublished. As a result, the methodology used to calculate the estimated 99,452 units of *Still Trippin* sold is flawed, based on no reliable objective data and based on a

⁶ Mr. Einhorn relied upon research supplied by Nash Information Services of historical sales of *Still Trippin* made on Amazon.com.

methodology that is not generally recognized. Generally historical sales data would be acquired through reliable source with access to the complete data set and/or recognized industry group generally recognized for accumulating such industry data. Mr. Einhorn admits in his expert report and his deposition that the data used in his calculation, and which forms the sole basis of his expert opinion, is based on *limited* data:

Expert Report of Michael A. Einhorn, page 6 (Section 5.9)

“Sales totals for *Still Trippin* were not immediately available from any public source. . . I directed Nash Information Services to provide a best estimate of this total.”

Expert Report of Michael A. Einhorn, page 6 (Section 5.10)

“. . . Nash used the Internet Archive (archive.org) to find historical Amazon sales ranks for the title. The website had ranks and pricing information for 21 dates, ranging from November 13, 2008 (shortly after the release of the title) to September 14, 2014. . .

Expert Report of Michael A. Einhorn, page 6 (Section 5.11)

“For each sales rank on Amazon, Nash was able to determine some neighborhood items in the rankings for which daily sales were available. Based on this comparison it was possible to estimate the sales total for each date where a rank was available. . .

Expert Report of Michael A. Einhorn, page 7 (Section 5.12)

“From very limited information, I estimated that Amazon accounts for 4.17% of sales of title released by African American comedians. This estimate was drawn from information related to sales of Kevin Hart’s *Laugh at My Pain*. Of total retail sales made of 208,324, Mr. Hart sold 8099 (or 3.9 percent) through Amazon.

[Emphasis Added]

24. Based on unverified and speculative sales data calculated from sporadic captures of Amazon rankings for Steve Harvey’s *Still Trippin* (released in 2008), Mr. Einhorn further compounds the erroneous nature of the methodology by projecting the number of total units sold by using a market share percentage derived from

DVD sales of another comedian (Kevin Hart's *Laugh at My Pain*) that was released in January 2012. Again, Mr. Einhorn performed no independent investigation, analysis and provides no discussion for the basis of using sales of Kevin Hart's *Laugh at My Pain* as a "yardstick" for estimating the market share of Steve Harvey's *Still Trippin* DVD sold on Amazon.com. The result derived is pure speculation. For instance, Kevin Hart's *Laugh at My Pain* was a theatrical release in September 2011 that was subsequently released on DVD in January 2012 while Steve Harvey's *Still Trippin* was a direct to DVD product. Also, Mr. Einhorn fails to address or explain the exclusion in his market share calculation of Kevin Hart's live performance *Let Me Explain* that was another theatrical release in July 2013 with a subsequent release to DVD in October 2013. Mr. Einhorn's methodology is unreliable, speculative and not based on any objective facts, figures or data.

Production of the Actual Sales Data for Steve Harvey's Still Trippin Verifies the Speculative and Erroneous Nature of the Einhorn Methodology

25. The actual Statements of Net Proceeds from the distributor of the Steve Harvey *Still Trippin* DVD verifies the speculative and erroneous nature of the Einhorn methodology and his opinions. The production of actual financial records for the *Still Trippin* DVD further highlights the gross overstatement of Mr. Einhorn's opinion of the alleged lost royalties potentially due to Mr. Cooper. Ignoring the material misapplication of the Yardstick Approach methodology by using *Still Trippin* as an appropriate yardstick to Mr. Cooper's alleged DVD, the actual financial results for *Still Trippin* indicated that there was no available net proceeds (i.e., potential royalties) on the DVD after the deduction from gross billable sales of returns, distribution fees, production expenses, marketing and advertising costs and the compensation to Mr. Harvey. In fact,

based on the documents produced, Mr. Harvey actual owes a small amount of money back to Universal Music Group Distribution on the advance received.

The Einhorn Analysis and Opinions Fail to Consider Changes in Consumer Demand and Spending levels in the DVD and Digital Entertainment from 2008 (date of Still Trippen Release) to 2014 (alleged time period of the Cooper DVD)

26. Mr. Einhorn's economic damage opinions are based on 2008 unit sales data of Steve Harvey's direct to DVD production titled *Still Trippin*; however, he is estimating damages as of an alleged tortious interference date of on or about, or sometime after, January 20, 2014, the preliminary date of the alleged Licensing and Distribution Agreement at issue in this matter. His analysis fails to consider, investigate and make any adjustments for the significant economic changes that have taken place within the U.S. DVD and Digital entertainment marketplace from 2008 to 2014. Ignoring the unreliable and speculative nature of the damage calculations previously discussed, Mr. Einhorn's failure to perform any independent investigation, analysis or assessment results in his calculations and opinions being grossly overstated for the failure to adjust any alleged economic damage for the significant decline in consumer spending on DVD and Digital entertainment between 2008 and 2014.

27. Originally founded in 1997, The Digital Entertainment Group (“DEG”) is a non-profit, independent body that represents the interests of stakeholders across the home entertainment industry.⁷ Platform-independent, the DEG promotes awareness and adoption of Blu-ray Disc, DVD and digital delivery. The mission of the DEG is to advocate and promote entertainment platforms, products and distribution channels, which support movies, television, music, consumer electronics and IT, industries. Its primary objectives are:

⁷ See <http://degonline.org>

- Provide a bridge from content providers and device makers to help evolve distribution of content through education and marketing;
- Support marketing efforts for the home entertainment category, including ownership of physical and digital content – specifically Blu-ray Disc, Digital/Digital HD and UltraViolet;
- Explore opportunities with Ultra HD 4K;
- Follow progress of next-generation Blu-ray Disc;
- Continue work on creation and implementation of standards in the digital supply chain; and
- Expand education practices for members on emerging trends to encourage a greater understanding of in-market products.⁸

28. DEG provides a substantial amount of independent research and reporting on the DVD and Digital entertainment industry, including its quarterly and annual *Home Entertainment Reports* that outline consumer spending and sales statistics of DVD and Digital entertainment in the U.S. Based on the DEG independent reports, U.S. consumers purchases of DVD and Digital entertainment have been declining significantly since 2008 as summarized in **Table 1**.

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⁸ *Ibid.*

Table 1
Summary of Historical US Retail Sales of DVD/Digital Entertainment
From 1999 to 2015

Year	US Consumer Home Rental/Sell Through Spending (In Billions of \$)					YTD % Change	Unit Volume	Unit YTD % Change	DVD/HD YTD % Change
	VHS/UMD	DVD/BD/HD	Digital/VOD	Total					
1999	\$ 12.20	\$ 1.10	\$ 0.60	\$ 13.90	N/A		98.00	N/A	N/A
2000	\$ 11.40	\$ 2.40	\$ 0.70	\$ 14.50	4.32%		182.40	86.12%	118.18%
2001	\$ 10.90	\$ 5.30	\$ 0.70	\$ 16.90	16.55%		364.40	99.78%	120.83%
2002	\$ 9.60	\$ 8.60	\$ 0.70	\$ 18.90	11.83%		685.00	87.98%	62.26%
2003	\$ 6.90	\$ 13.10	\$ 0.70	\$ 20.70	9.52%		1,023.30	49.39%	52.33%
2004	\$ 4.40	\$ 16.70	\$ 0.70	\$ 21.80	5.31%		1,518.30	48.37%	27.48%
2005	\$ 2.10	\$ 18.90	\$ 0.80	\$ 21.80	0.00%		1,656.70	9.12%	13.17%
2006	\$ 0.40	\$ 20.20	\$ 1.00	\$ 21.60	-0.92%		1,656.60	-0.01%	6.88%
2007	\$ 0.10	\$ 20.00	\$ 1.30	\$ 21.40	-0.93%		1,646.00	-0.64%	-0.99%
2008	\$ 0.10	\$ 19.30	\$ 1.60	\$ 21.00	-1.87%		1,407.10	-14.51%	-3.50%
2009	\$ -	\$ 17.30	\$ 2.10	\$ 19.40	-7.62%		N/A	N/A	-10.36%
2010	\$ -	\$ 16.30	\$ 2.50	\$ 18.80	-3.09%		N/A	N/A	-5.78%
2011	\$ -	\$ 13.96	\$ 3.99	\$ 17.95	-4.52%		N/A	N/A	-14.36%
2012	\$ -	\$ 12.87	\$ 5.13	\$ 18.00	0.28%		N/A	N/A	-7.81%
2013	\$ -	\$ 11.65	\$ 6.49	\$ 18.14	0.78%		N/A	N/A	-9.48%
2014	\$ -	\$ 10.27	\$ 7.53	\$ 17.80	-1.87%		N/A	N/A	-11.85%
2015-3rd Qtr	\$ -	\$ 6.29	\$ 6.44	\$ 12.73			N/A	N/A	
2015-Proj	\$ -	\$ 8.39	\$ 8.59	\$ 16.97	-4.64%		N/A	N/A	-18.34%

Change in Spending Since 2008 (2015 Projected)	-19.17%	-56.55%
Change in Spending Since 2008 (2014 Actual)	-15.24%	-46.79%

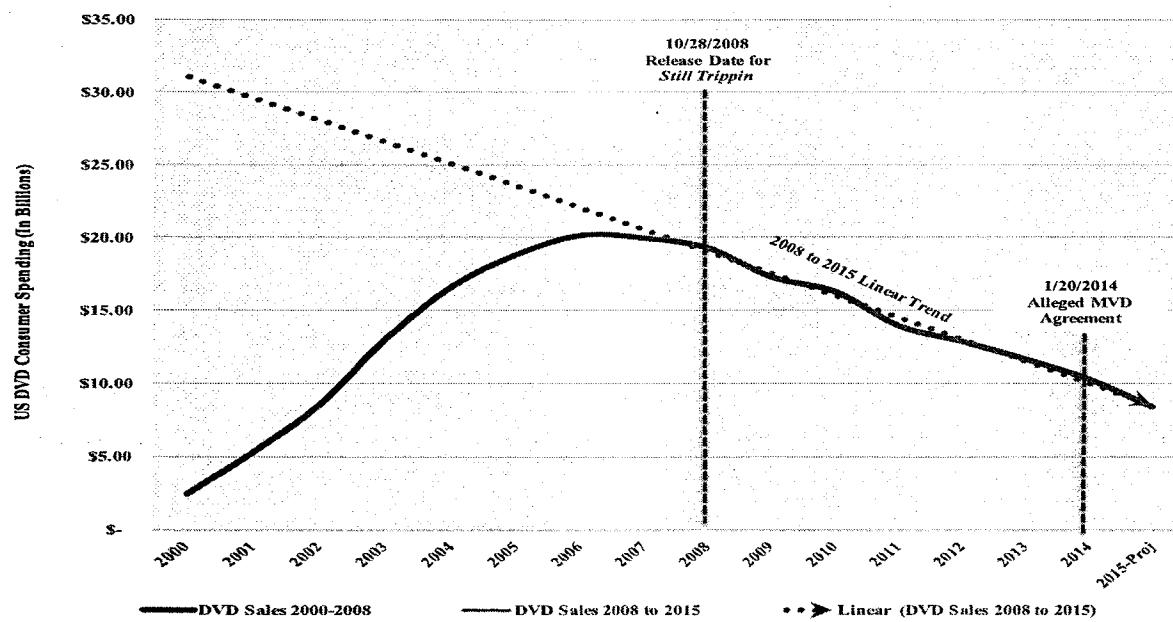
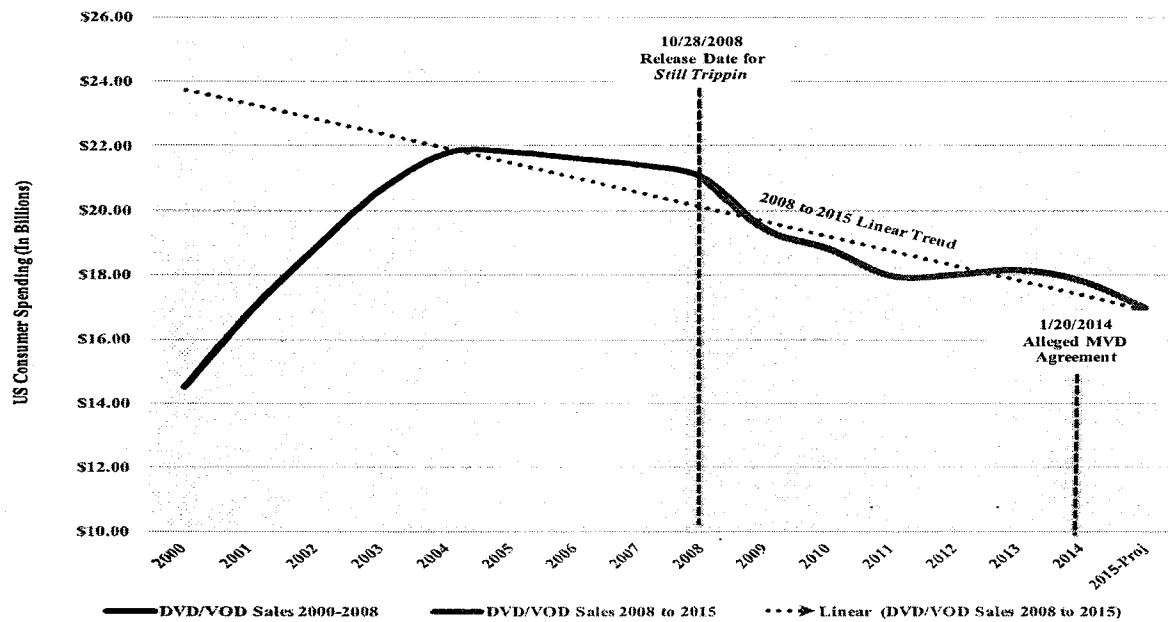
Source: DEG Home Entertainment Reports from 2010 to 2015 (<http://degonline.org/category/data-resources>)

29. From 2008 to 2014, overall US spending on DVD and Digital entertainment declined approximately 15.2%. The largest decline being physical DVD sales, which realized an overall decline of 46.8% from 2008 to 2014. The decline in DVD sales during this time period is due to changing media technologies and increasing purchases of Digital and Video on Demand (“VOD”) services that are cannibalizing

traditional DVD packaged product sales and rentals. The demise of DVD technology and the dramatic decline in sales and rentals of DVDs is consistent with the technological shift that occurred from VHS tape to DVD. **Graph 1** summarizes both combined DVD/VOD Consumer Spending and DVD Consumer Spending on a standalone basis.

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Graph 1
DVD/VOD & DVD Standalone Consumer Spending
From 1999 to 2015



Source: Table 1

The Einhorn Analysis Omits a Material Amount of Customary Expenses Related to DVD Distribution, Including Returns, Supply Chain Fees, Marketing and Other Expenses from His Calculation of Royalties

30. Ignoring the material misapplication of the Yardstick Approach methodology and the unreliability and speculative nature of the underlying data used, Mr. Einhorn's economic damage opinions fail to consider and included a material amount of customary variable costs associated with the distribution of a DVD. A review of the actual expenses⁹ incurred in the distribution of the DVD *Still Trippin* identifies many of these other expenses that Mr. Einhorn failed to consider and included in his analysis. Among the most glaring exclusions were returns, supply chain fees and marketing expenses. With regards to marketing expenses, these were specifically identified in the MVD License and Distribution Agreement. Section 6(c) of the License and Distribution Agreement states:

"All marketing expenses will be requested in writing from Distributor to Licensor, except those as noted in part 6d. Only authorized marketing expenses from Licensor to Distributor may be deducted against royalty payments. All marketing expense deductions must have proof of performance that the marketing was completed, including, but not limited to, copies of publications, invoices, notarized statements from retail, etc."

[Emphasis Added]

31. An assumption that no marketing expenses associated with any alleged distribution of a DVD is unreasonable, especially considering the deposition testimony of Edward Seaman of MVD (the potential distributor of the Cooper DVD) that limited investment would be made by MVD and that any marketing support was expected to come from MVD.¹⁰ Per Section 6 of the License and Distribution Agreement, "all marketing expenses will be requested in writing from Distributor to Licensor" and "[o]nly

⁹ See Statement of Net Proceeds for *Still Trippin* at Bates Reference HFD 0359.

¹⁰ See deposition of Edward Seaman dated November 3, 2015, page 31, Lines 18 to 22.

authorized marketing expenses from Licensor to Distributor may be deducted against royalty payments.” [Emphasis Added] Furthermore, an assumption that no returns from retailers is likewise unreasonable. Section 3(a) of the License and Distribution Agreement specifically stated, “Distributor reserves the right to withhold up to 25% of royalty payable as a reserve against future returns. . .” indicating that returns could be significant.¹¹ Accordingly, Mr. Einhorn’s economic damages and calculations are overstated by not including a reasonable estimate of returns, marketing and other expenses to be incurred with promoting the DVD. Taking into consideration the longstanding dispute between Plaintiff and Defendant, any marketing and promotion on behalf of Mr. Harvey could not be reasonably expected. Accordingly, a marketing plan and strategy would be reasonably required to raise awareness of the product in the marketplace.

Mr. Einhorn’s Analysis and Opinions of Economic Damages are not Supported by the Testimony of the Potential Distributor of the Cooper DVD

32. Mr. Einhorn performed no independent investigation and/or inquiry of the potential distributor of the Cooper DVD to determine the distributor’s opinion of the projected royalties from sales. In fact, a review of the deposition testimony of Edward Seaman of MVD does not appear to support the Einhorn analysis and opinion of expected sales.

Deposition of Edward Seaman, Page 11, 12 and (Lines 21 to 24 and Lines 1 to 24 and Lines 1 to 10)

Q. I’m talking about the percentages. Let me try it a different way. Did you or anyone else at Music Video Distributors come up with a dollar figure as to the expected sales for this product?

A. No.

¹¹ The DVD *Still Trippin* experienced actual “returns” of approximately 20% of gross revenues. (See Bates Reference HFD 0359)

Q. **Were there any estimates of the amount of sales that were expected if this agreement was made?**

A. **Not formally, no.**

Q. **Is there an expected or standard expectation of revenue and cost amounts that you're familiar with when it comes to distributing and marketing this kind of product?**

A. **I mean, particularly with a low investment from us, which this would have been, no. I'll do – no . . .**

Q. **... Did you have in your mind any kind of estimate, a range of revenue that could be expected if you, if the company was able to sell this footage?**

A. **I expected, I mean, at least \$10,000 and as much as, I don't know what. And the 10,000 was based on my willingness to go into a \$5,000 advance.**

Q. **So expected revenue could have been \$10,000 or -- well, you don't know. You don't know how high it could have gone. Is that fair?**

A. **I don't know. Correct.**

[Emphasis Added]

33. Based on the deposition testimony of Mr. Seaman with MVD, no formal or informal projections of the estimated revenue were made related to the alleged Cooper DVD opportunity. Accordingly, there is no independent support for Mr. Einhorn's opinion and analysis.

The Einhorn Analysis and Opinion Extends to 5 Alleged Cooper DVD Products for Distribution, which is Speculative

34. Mr. Einhorn applies his calculations and opinions of economic damages to a total of five DVDs containing live performances of Mr. Harvey from 1993. Mr. Einhorn provides no basis or independent investigation and/or analysis as to the impact of releasing additional DVDs would have on the subsequent sales of DVDs containing similar live performances by Mr. Harvey. Mr. Einhorn neither establishes nor identifies a time frame for the release of additional DVDs. The success of any future releases would be dependent upon the success of the first DVD, which no commercial

success can be foreseen or assumed. The distribution of additional DVDs would be wholly dependent upon a distributor willing to continue to distribute them, which would be based on prior commercial success. Accordingly, extending economic damages to additional DVDs is speculative. Likewise, any future royalties associated with DVDs being released after 2015 would require that those income streams be discounted to their present value and the discount rate adjusted to account for the high risk that no such royalty stream would be realized. The required discounting of any future royalties would further highlight their speculative nature as such royalties would not be reasonably certain.

The Potential Distributor of the Cooper DVD has Limited Experience with Stand Up Comedy DVD Distribution

35. Mr. Einhorn made no independent investigation of MVD's experience and success in distribution of DVDs associated with live stand up comedy.¹² Ignoring the legal dispute over the rights to distribute the Cooper DVD, a review of MVD's website of its catalogue of products and the filmography, as reported by the Internet Movie Database, identified that stand up comedy DVDs accounted for 0.02% and 0.68% respectively of MVDs exclusive DVD offering. A review of MVDs website and distribution catalogue identifies that the firm specializes in music, horror and cult movie and DVD distribution with those three categories accounting for more than 80% of the titles offered. Stand up comedy artists and DVDs account for less than 1% of the titles distributed by MVD. A lack of specialization and apparent limited experience with stand up comedy titles raises the questions of MVD's commitment and commercial success in distributing the Cooper DVD. This is further highlighted by the deposition testimony of

¹² See deposition of Michael A. Einhorn dated November 20, 2014, pages 100 to 104.

Edward Seaman with MVD indicating that they would not commit a lot of money to the Cooper DVD.

Deposition of Edward Seaman, Page 12 (Line 5 to 12)

Q. Is there an expected or standard expectation of revenue and cost amounts that you're familiar with when it comes to distributing and marketing this kind of product?

A. I mean, particularly with a low investment from us, which this would have been, no. I'll do – no.

Deposition of Edward Seaman, Page 14 (Line 3 to 16)

Q. Is that typically done in these sorts of contracts where somebody will undertake some kind of study or do some kind of analysis to determine the amount of revenue that could be made?

A. It depends on, you know, a lot of factors. I mean, sometimes it depends on how much we were committing. In this case, we would not have committed a lot of money. So the risk was not extremely high for us. I mean, level of effort and research needs to match, would typically match the level of investment. So yes, I mean, again I'm very familiar with Steve Harvey and I know that stand-up comedy does well on home video. So I made an offer. But no, I did not do extensive research.

[Emphasis Added]

The Einhorn Analysis and Opinions are speculative, erroneously derived and not based on any objective facts, figures or data.

36. The material misapplication of the Yardstick Approach methodology plus the unreliability of the data and the methodologies applied to derive the underlying data relied upon by Mr. Einhorn results in his analysis and opinions being speculative, erroneously derived and not based on any objective facts, figures and data.

The Einhorn Analysis and Opinions Lack Foundation, Foreseeability and Reasonable Certainty

37. The Licensing and Distribution agreement at issue in this matter is the primary document relied upon by Einhorn to calculate economic damages. However, a review of the documents produced in this matter plus the deposition testimony of Edward

Seaman of MVD indicate that the document provided to Mr. Cooper was an initial proposal on behalf of MVD, and not a formalized and/or executed contract among the parties.¹³ The MVD proposal was contingent on several factors and representations, including the determination by MVD that Mr. Cooper held the appropriate rights and authority to distribute the 1993 video footage at issue in this matter. Based on Mr. Seaman's deposition testimony, MVD had immediate concerns about Mr. Cooper's right to enter into an agreement to distribute the DVD.

Edward Seaman Deposition Dated November 3, 2015 Pages 20 and 21 (Lines 18 to 24 and Lines 1 to 8)

Q. Let's try this: I believe you mentioned that you were uncomfortable with proof of ownership or words to that effect. Was there something that you saw or heard that made you inquire as to the company's attorney about that issue?

A. Yes. I mean, it's going back a little and I haven't looked at the information again since this occurred. But what I saw in terms of Mr. Cooper's paperwork did not seem rock solid to me.

Q. **And what paperwork are you referring to?**

A. **It was some paperwork between Mr. Cooper and Mr. Harvey for him recording the performance and something about -- and I don't remember what specifically but something gave me pause in terms of, you know, the claimed ownership.**

Edward Seaman Deposition Dated November 3, 2015 Page 24 (Lines 11 to 17)

Q. **You would not send a proposed contract to someone that you did not intend on having an agreement with, is that fair?**

A. **I hadn't seen his alleged ownership when I sent that proposal.** So you can do with that information as you wish.

¹³ See deposition of Edward Seaman dated November 3, 2015, page 23 (Lines 16 to 24), 24 (Lines 1 to 24), 25 (Lines 1 to 8), 29 (Line 19 to 24), 30 (Lines 1 to 9) and 32 (Lines 2 to 16).

Edward Seaman Deposition Dated November 3, 2015 Pages 30 and 31(Lines 23 to 24 and Lines 1 to 10)

Q. **Mr. Cooper presented something to you where he said, this evidences my ownership. You were uncomfortable with it, so you presented it to your attorney?**

A. **Correct.**

Q. **And that's sort of your standard process, if you have questions about whether you have a right, whether your company has a right to distribute something?**

A. **Truthfully, most things I handle on my own. And I wasn't sure about this one. It didn't seem right. So I sent it to our attorney.**

38. Mr. Seaman's deposition testimony indicates that the alleged License and Distribution agreement was at best a proposal dependent upon verifying, among other things, that Mr. Cooper possessed the rights to the video. Mr. Coopers documentation presented to MVD appears to have raised concern among MVD management and therefore creating a significant barrier to the finalization of any discussions regarding a distribution agreement. The failure of Mr. Cooper's documentation to satisfy MVD as to the rights of distribution results in no foundation, foreseeability and/or reasonable certainty with respect to any alleged economic damages.

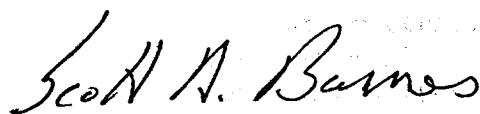
Defendant Steve Harvey Counterclaim

39. Mr. Harvey has made certain counterclaims against the Plaintiff in this matter for (1) invasion of privacy, (2) violation of right of publicity and (3) conversion. Generally, economic damages for invasion of privacy can include economic damages for harm to reputation and standing in the community, as well as, disgorgement of any profits realized by the Plaintiff for any unjust enrichment from the invasion of privacy. Likewise, economic damages for a violation of the right of publicity can generally include compensation for the value of the commercial use of one's identity and likeness and disgorgement of any profits realized by the Plaintiff from any unjust enrichment

received. With regard to the claim of conversion, the general economic damage is the fair market value of the property improperly converted.

40. It is my understanding from reviewing the documents and deposition testimony in this matter that the Plaintiff has attempted to sell DVDs based on the 1993 video at issue in this matter. If the trier of fact makes a finding of liability against the Plaintiff related to one or more of the counterclaims, the Defendant would generally be allowed an accounting of any sales of any DVDs or other products sold by the Plaintiff to assess the unjust enrichment received by the Plaintiff and/or other reasonable compensation for the use of Mr. Harvey's name, likeness or other personal attributes as a comedic artist. Based on the documents produced in this matter an estimated fair market value of Mr. Harvey's services is \$350,000.

Respectfully submitted,



Scott A. Barnes, CPA, CFF, CGMA

Attachment 1

MR. SCOTT A. BARNES, CPA, CFF, CGMA

EDUCATION

M.B.A – A.B. Freeman School of Business, Tulane University, New Orleans, Louisiana – concentrations in finance, strategic management and economics

B.B.A. – Texas State University, San Marcos, Texas – concentration in accounting

**PROFESSIONAL
CERTIFICATIONS/
BUSINESS
AFFILIATIONS**

Certified Public Accountant, Texas
Certified in Financial Forensics, AICPA
Chartered Global Management Accountant, AICPA
American Institute of Certified Public Accountants (AICPA)
Texas Society of Certified Public Accountants
Association of Certified Fraud Examiners
Member of the AICPA Forensic and Valuation Services Practice Section
Former Associate Editor of *National Litigation Consultants' Review*

**PROFESSIONAL
EXPERIENCE**

Mr. Barnes is a Certified Public Accountant who during the past 25 years has assisted corporations, investors and attorneys in assessing the financial issues surrounding complex and sophisticated accounting issues, merger and acquisition transactions, business valuation and industry and competitor analyses. He has extensive experience providing sophisticated commercial damage analyses and expert testimony for clients in a diverse range of industries, especially with respect to forensic analyses, intellectual property infringement, antitrust, lost profits, business interruption, contract disputes, business valuation, fraud, accounting, accounting malpractice and other complex commercial damage issues. In addition to commercial damage issues, Mr. Barnes has served on several boards of directors with an emphasis on newly emerging technologies. Mr. Barnes has served as the Chief Financial Officer for firms in several industries, including telecommunications and Internet access, software development, biotechnology, professional services and international fine art. Mr. Barnes' industry experience includes telecommunications, manufacturing, brokerage and securities, soft drink beverages, hospitality, airline maintenance and parts distribution, healthcare, software development, explosives, commercial construction, construction materials, venture capital,

investment banking, cable television, Internet, transportation, fine art and government.

RANGE OF EXPERIENCE**Intellectual Property Consulting Engagements**

Mr. Barnes has been retained as a consultant on numerous intellectual property engagements involving patents, trademarks/trade dress, copyrights and trade secrets.

- Damage assessment for patent infringement with respect to the international telecommunications equipment market
- Valuation of the patents/technology of a semiconductor manufacturer concerning products in the telecommunication industry
- Valuation of patents and related royalty agreements in the medical equipment industry
- Assessment of the relevant market for consumer products in the medical equipment industry
- Analysis of patent infringement damages and reasonable royalty rates related to oil field equipment
- Assessment of copyright infringement damages with respect to computer software
- Assessment of lost profits and commercial damages related to trademark infringement in the hand-held computer game industry
- Relevant market analysis and lost profits analysis for a major manufacturer in the golf industry
- Assessment of lost profits and reasonable royalty rate with respect to the scientific equipment testing industry
- Assessment of copyright infringement damages with respect to the entertainment industry and screenplays
- Assessment of theft of trade secret damages related to lost profits and reasonable royalty

Anti-Trust Consulting Engagements

- Assessment of defendant's distribution costs and pricing strategy with respect to alleged market allocation behavior in the consumer products industry
- Analysis of plaintiff's lost profits for refusal to license and unfair competitive practices in the telecommunications industry
- Analysis of defendant's pricing strategy and analysis of average variable costs with respect to predatory pricing behavior in the explosive manufacturing industry
- Analysis of plaintiff's relevant market share and lost profits related to restraint of trade behavior in the golf equipment industry
- Analysis of relevant market and lost profits associated with the used automobile auction market.

Other Commercial Litigation Consulting Engagements

- Assessment of lost profits and commercial damages related to numerous breaches of contract disputes
- Assessment of lost profits and commercial damages related to numerous business interruption matters
- Assessment and analyses of reasonable discount rates to apply in lost profits and commercial damages matters
- Assessment of construction damages related to delays and breach of contract
- Assisted in the development of facts to defend against the U.S. Attorney claim of false claims violations and developed counter-claim damages
- Assessment of compliance with generally accepted accounting principles and generally accepted auditing standards

- Assessment of auditor and accountant compliance with professional standards of due care and compliance with AICPA Code of Professional Conduct
- Assisted a major class action plaintiff firm in the development of the facts concerning fraud allegations made against the firm
- Analysis of alter ego and single business enterprise claims
- Valuation of numerous businesses and business interests in litigation
- Analysis of lending practices and fees and interest charged to lenders in usury claims

Forensic Analyses & Fraud Investigations

- Performed forensic analyses and fraud investigations in over 300 matters involving tracing of transactions, analyses of transactions in conjunction with contractual terms, fraud investigations, Sarbanes-Oxley investigations and forensic reconstruction of financial statements.

Business Valuation/Bankruptcy

- The valuation of privately held business interests of over 500 legal entities, including corporations, partnerships, LLCs, family limited partnerships and special purpose entities.
- Valuation of distressed companies
- Preparation of solvency analyses in both bankruptcy and litigation
- Valuations in merger and acquisition scenarios

SPEECHES/ PUBLICATIONS

Author:

“The Supercomputer Industry, U.S. and Japanese Competitive Advantages”

“The Supercomputer Industry, The Birth of a Global Industry”

“Patent Infringement Damage Theories and Practices”

“Corporate Value Creation—Corporate Management Approaches to Increasing Shareholder Value”

“Disaster Recovery – a Case Study in High-Tech Failure”

“Price Erosion Considerations in Patent Infringement Damage Calculations”

“Marketing and Staff Development”

“Tips for Addressing and Withstanding Daubert”

“A Review of the Business Valuation Bluebook”

“Appellate Court Guidance in the Determination of Price Erosion Damages in Intellectual Property Infringement Matters – *Crystal Semiconductor v. Tritech*”

“Considerations in the Valuation of Royalties and License Agreements Associated with Intellectual Property”

“Grain Processing Case Denies Lost Profit Damage Claims Despite Non Existence of Non-infringing Substitute”

“Trends in Challenging the Admissibility of Financial and Economic Expert Testimony”

“Consideration Leads to Credibility”

“Trademark Infringement Damages – Overview and Recent Case Developments”

A Review of *On-Trial – Lessons from a Lifetime in the Courtroom*

“Do Companies with Negative Earnings have Value?”

“Marketing Litigation Services”

“*Trigon Insurance Company v. United States of America*: A Review of the Interactions Between Consulting Experts and Testifying Experts”

“A Review of Effective Expert Testimony”

“The Valuation of Trade Secrets in Litigation”

“Increased Use of Financial Experts in Mediation and Arbitration”

“Seven Tips for Quality Control in the Expert Report Process”

A Review of Intellectual Property Law Damages and Remedies

“Sarbanes-Oxley: A Forensic Accountants Best Friend”

AICPA Practice Aid 06-01 – “Calculating Intellectual Property Infringement Damages”

Presentations:

“Commercial Damages” 1997 AICPA Advanced Litigation Conference”

**LITIGATION
SERVICES AND
TESTIMONY**

Mr. Barnes has provided assistance in numerous litigation engagements, including expert testimony. A recent list of some of his litigation cases include:

Cobra Golf Incorporated vs. Cliff Cook Golf Company et al, United States District Court Southern District of California CA-95-1161 J (LSP)

Tesina S. Painter formerly d/b/a Fort Worth Leche Express vs. Medela, Inc., Beyond Conception, Inc. Scott Landow, Individually, Dallas County Civil Court CC-95-04403-A

Bridgeport Cable and Communications, Inc. vs. Deborah McCratic, Individually, Aaron Cable and Communications, Inc., In the 166th Judicial District Court of Dallas County, Texas 94-2181

Hubert, Hunt & Nichols, Inc. vs. H&G Heard, J.V. and Angiel Electrical Construction Corp, In the 298th Judicial District Court of Dallas County, Texas 95-11284M

Archives of America vs. A&B Transfer & Storage Co., Inc. d/b/a Armstrong Archives, In the 298th Judicial District Court of Dallas County, Texas 96-04714

CBI Laboratories vs. United Chester Industries, In the 68th Judicial District Court of Dallas, County, Texas 96-02342-C

Terry L. Schaffer vs. Tower Marketing, Inc., In the 134th Judicial District Court of Dallas, Texas 97-07325-A

Aerotek, Inc. vs. Comat Software, Inc. et al, In the 134th Judicial District Court of Dallas County, Texas 97-05323-G

Estate of Jewel Kimberlin vs. David S. Crockett & Company and David S. Crocket, Individually, Probate Court No. 1 of Dallas County, Texas

Ericsson, Inc. and Telefonaktiebolaget LM Ericsson vs. Qualcomm Incorporated, In the United States District Court for the Eastern District of Texas Marshall Division 2-96-CV183

Rodney Hand d/b/a Western & English Today vs. Equestrian Retailer et al, In the 95th Judicial District Court of Dallas County, Texas 97-09661

Chemd, Inc. d/b/a Texas Drug Warehouse vs. KPMG Peat Marwick, L.L.P., In the 160th Judicial District Court of Dallas County, Texas NO-34926-S

C.F.C. Reclamation and Recycling Services, Inc. vs. CompUSA, Inc., In the 104th District Court Taylor County, Texas 21882-B

Collins Sales, Inc. and Roger Collins vs. Financial Security Services, Inc., In the 139th Judicial District Court Hidalgo County, Texas C-584-98-C

Funimation Productions, Inc. vs. ABC International Traders, Inc. d/b/a MGA Entertainment, Arbitration, 71-133-00559-99

Century Products Company vs. Cosco, Inc., In the United States District Court for the Northern District of Texas Dallas Division, 3:00-CV-0800-G

R.O. Evans Pontiac-GMC vs. Winstar Communications, Inc., In the U.S. District Court for the Northern District Dallas Division, 3-99-CV1150-P

MCI WorldCom vs. USA Connect, Inc., In the 160th Judicial Court Dallas County, Texas 98-08096-H

C.A.R. Transport, Inc. vs. ADT Automotive Holdings, Inc., ADT Automotive, Inc. Auction Transport, Inc., In the U.S. District Court Northern District of Texas Dallas Division, 3-00CV0426-M

Sunshine Mining & Refining Company vs. Ernst & Young, LLP, In the County Court of Law No. 1 Dallas County, Texas, CC-00-06081-A

Credit Suisse First Boston vs. Arthur Andersen, L.L.P. et al, In the 162nd Judicial District Court Dallas County, Texas, 00-8654

North Dallas Enviroscape, Inc. vs. Rainforest Creations, Inc., U.S. District Court Eastern District of Texas Sherman Division, 4-00CV-388

Tom Cabe vs. EYE America, Inc. and INVICTA, Corp, United States District Court Northern District Dallas Division, 3:CV-010552

Mobile Data Solutions, Inc. v. Citizens Telcom Services Co. L.L.C., In the District Court Collin County, Texas 366th Judicial District, 366-01914-00

Control Components Corporation v. Gary Britt and Britt Power Devices, L.L.C., In the District Court Dallas County, Texas 14th Judicial District, 02-01264

Craig Franklin, Individually and as Executor for the Estate of Joan Franklin, Deceased, Dan Franklin, and Kim Marth v. Michael Lewis Gibson, M.D., Pinnacle Anesthesia Consultants, P.A., and Tenet Health System Hospitals, Inc. d/b/a/ Doctors Hospital, In the District Court Dallas County, Texas 134th Judicial District

Phillip Bridges et al v. Jolly Chef Express, Inc. and Industrial Catering, Inc., In the District Court of Dallas County, Texas 68th Judicial District

Felix Rather III, et al v. Dallas Automotive Sales & Services, et al, In the District Court Dallas County, Texas 192nd Judicial District 02-11041K

NRI Investors, L.P. v. Net Related, Inc., Steve Simpson and Ronald Devin Jones, In the District Court of Dallas County, Texas 192nd Judicial District 02-6971

GATT Trading, Inc. v. Sears, Roebuck and Co., In the United States District Court For the Northern District of Texas Dallas Division 3-02-CV-1573D

Alliance Payroll Services, Inc. v. Paychex, Inc. and Rapid Pay, Inc., in the United States District Court – Southern District of Texas Houston Division H-02-2183

Barry Williams, Inc. v. Marvin Myers, Norma Myers, Dana Myers and M. Myers Development, Inc., In the County Court at Law No. 5, Dallas County, Texas 02-01843-E

Risk Technologies, Inc. v. Tennessee Municipal League, Risk Management Pool, Inc., In the United States District Court for the Northern District of Texas, Dallas Division 3-02CV2324-H

Paul G. Broughton et al v. Discount Motors a/k/a Mortitz Cadillac, Inc. et al, In the District Court of Tarrant County, Texas 352nd Judicial District 352-192430-02

Daniel J. Bollner et al v. Plastic Solutions of Texas, Inc. et al, In the District Court 380th Judicial District Collin County, Texas 380-1399-04 and 380-2143-04

Renaissance Private Equity Partners, et al v. Reed Walters, An Arbitration Matter in Dallas, Texas 71-180-00205-05

Terlingua, Ltd. v. eOriginal et al, A matter in Arbitration in Dallas County, Texas

Plastic Solutions Molding, Inc. v. Colormatrix Corporation, In the District Court of Collin County, Texas 416th Judicial District 416-387205

Wirenix, Inc. v. Ericsson, Inc., A matter in Arbitration in Dallas, County, Texas 71 117 Y 00586 06

Brian K. Chadwick, individually and Derivatively on Behalf of
TLC Equipment, Inc. v. Colleen Ward, In the District Court
Dallas County, Texas, 162nd Judicial District DC-06-07309-I

The Securities and Exchange Commission v. Mark David
Shapiro et al, In the United States District Court For the Eastern
District of Texas, Sherman Division, Civil Action No.
4:05CV364

Bizzy Bees Pest Control Company et al v. Leland Morris et al, In
the District Court of Dallas County, Texas 95th Judicial District
06-05662

Marathon Financial Insurance Co., Inc. RRG v. Ford Motor
Company et al, In the United States District Court For the Eastern
District of Texas, Texarkana Division, Civil Action No. 5:05-
CV-0016-DF

Andra Group, L.P. and the Topsytail Company v. J. David
Joiner, CPA, In the District Court Dallas County, Texas, 14th
Judicial District

In Re: United States Brass Corporation, Debtor, E.I. DuPont de
Nemours, Inc v. The Brass Trust et al, In The United States
Bankruptcy Court for The Eastern District Of Texas Sherman
Division Case No. 94-40823-S

Verascom, LLC v. John Mateo and G.W. Communications,
L.L.C., In the District Court Collin County, Texas 296th Judicial
District Cause No.296-2405-07

Classic Industries, LP v. Mitsubishi Chemical FP America, Inc.
and Michael Zavo, In the District Court of Kaufman County,
Texas 422nd Judicial District Cause No. 73397-422

Monitronics International, Inc. v. Charley Johnson, In the
District Court Dallas County, Texas 68th Judicial District Cause
No. 07-6289

Value-Added Communications, Inc. v. T-NETIX, Inc., In the
District Court Dallas County, Texas 68th Judicial District Cause
No. 03-11399-C

Donna West v. Tyler Perry et al, In the United States Court for the Eastern District of Texas Marshall Division Case No. 1-07CV-200-LED

MP Weight Loss Management, LLC v. U.S. Medical Care Holdings, LLC, In the United States District Court For the Northeastern District of Texas, Dallas Division, Civil Action No. 3-08CV1410-K

Scientific Weight Loss, LLC v. U.S. Medical Care Holdings, LLC, In the United States District Court For the Central District of California, Civil Action No. CV08-02852

Bruce and Teresa Badget v. Advocare International, LP, In the District Court Dallas County, Texas 191st Judicial District Cause No. DC-07-02297

Sherry T. Bradshaw et al v. Advocare International, LP, In the District Court Dallas County, Texas 298th Judicial District Cause No. 06-11122

Michael Baisden v. I'm Ready Productions, Inc. et al, In the United States District Court For the Southern District of Texas, Houston Division, Civil Action No. 4:08-CV-00451

Brandt Blanken and Craig Sheftell v. Robert H. Turner and Wentwood Capital Advisers, L.P., In the District Court Travis County, Texas 250th Judicial District, Cause No. D-1-GN-08-000886

J&V Communication Services, Inc. v. Merle L. "Butch" Abbott and Weaver and Tidwell, L.L.P., In the District Court Kaufman County, Texas 86th Judicial District, Cause No. 76928-86

Caryn Campbell, Individually and as Next Friend of Aslan Campbell, Minor Child v. Auntie Bambino, Inc. d/b/a Preston Kiddie Kollege, Maria Seifi, Solyman Ashrafi, Sarah Flores, Erin Smith, Erica Bernal and Leslie Carlton; In the District Court of Collin County, Texas 416th Judicial District, Cause No. 416-02042-2008

Jeff Cunningham and Larry Rios v. Donna K. Greer, Gary Greer, and UHP Process Piping, Inc., In the District Court 162nd Judicial District Dallas County, Texas, Cause No. 08-05864

**Brian Addy and Ad-Venture Capital Management, LLC v.
William Addy and ISN Software Corporation, In the District
Court 191st Judicial District Dallas County, Texas, Cause No. 08-
12618**

**In the Estate of Duane A. Harris Deceased – CLA Management,
Ltd. v. Deidre D. Harris et al, In the Probate Court of Collin
County, Texas, Cause No. PB1-647-2008**

**Peticure, LLC v. Telebrands Corporation et al, In the United
States District Court For the Eastern District of Texas, Sherman
Division, Civil Action No. 4:08-CV-00345**

**Progressive Concepts, Inc. v. New Cingular Wireless PCS, LLC
and AT&T Mobility Texas LLC, A matter in Arbitration**

**Walco International, Inc. v. Warburton Technology, Ltd and
Multimin USA, Inc., A matter in Arbitration Case No. 50 122 T
00207 09**

**Advocare International, L.P. v. Richard Paul Scheckenbach et al,
In the United States District Court For the Western District of
Washington, Civil Action No. C08-5332RBL**

**David Kiger v. Ray A. Balestri, In the District Court 116th
Judicial District Dallas County, Texas, Cause No. 09-12251**

**Daryl K. Washington and Sunday Players, Inc. v. Kellwood
Company, In the United States District Court For the Southern
District of New York, Civil Action No. 05-CV-10034**

**Dealer Computer Services, Inc. v. Ford Motor Company, In the
District Court 186th Judicial District Harris County, Texas, Cause
No. 2007-46364**

**Melissa A. Herman, David A. Russo and Herman & Russo, P.C.
v. Xcentric Ventures, LLC, Edward Magedson and John or Jane
Doe, In the United States District Court For the Northern District
of Georgia, Civil Action No. 1:10-CV-0398**

**Larry Townes v. Travis Wolff & Company, LLP et al, In the
District Court 116th Judicial District Dallas County, Texas, Cause
No. 040964-F**

External Technologies, Inc. v. Panda Distribution, Inc. et al, In the United States District Court For the Eastern District of Texas, Sherman Division, Civil Action No. 4:10-CV-25

Terra Renewal Services, Inc. v. John H. Heilman et al, In the District Court Hopkins County, Texas 62nd Judicial District, Cause No. CV 39560

In Re: WN Truck Stop, LLC, In the United States Bankruptcy Court Northern District of Texas Dallas Division, Case No. 10-33156-11

Michael N. Kohrs v. JC Bowling & Company, LLC et al, In the District Court 14th Judicial District Dallas County, Texas, Cause No. 10-00159

The Estate of German Pablo Clouet et al v. Escapade Club Corporation et al, In the District Court 68th Judicial District Dallas County, Texas, Cause No. 08-13181-C

Kurt Steigerwald v. Stephen Cade et al, In the District Court 96th Judicial District Tarrant County, Texas, Cause No. 96-236919-09

Dealer Computer Services, Inc. v. Ford Motor Company, In the District Court 215th Judicial District Harris County, Texas, Cause No. 2008-71227

In Re: Kirk Franceschini, In the United States Bankruptcy Court Southern District of Texas Houston Division, Case No. 10-30550

Revenue Technology Services Corp. v. Martinair Holland N.V., In the District Court 14th Judicial District Dallas County, Texas, Cause No. 09-02903

Universal Forest Products Western Division, Inc. v. Holigan Investment Group et al, In the District Court 393rd Judicial District Denton County, Texas Cause No. 2009-60065-393

Pension Resources Corporation v. Sovereign International Pension Services, LLC et al, In the District Court 134th Judicial District Dallas County, Texas Cause No. DC-09-15393

Arguello, et al v. TSOSB, Inc. d/b/a Escapade Plaza, et al In the District Court 68th Judicial District Dallas County, Texas, Cause No.

Scott D. Miller v. Lutz & Lutz Properties, Inc. et al; In the District Court 101st Judicial District Dallas County, Texas, Cause No. DC-11-08126-E

Pittsburgh SNF LLC et al v. PharMerica East, Inc.; In the United States District Court For the Eastern District of Texas Marshall Division, Civil Action No. 2:10-CV-363

Dealer Computer Services, Inc. v. Ford Motor Company, In the District Court 152nd Judicial District Harris County, Texas, Cause No. 2009-78534

Hispano USA, LLC v. Azteca Milling, LP and Gruma Corporation; In United Sates District Court of Bexar county, Texas 288th Judicial District, Cause No. 2011-CI-01313

Forest Park Medical Center at Frisco, LLC v. Michael Segura and Cix+Caylyx Investments, LLC, In the District Court 193rd Judicial District Dallas County, Texas, Cause No. 11-10428

Blue Sky Golden FPS, Ltd. v. Fulcrum Energy, LLC et al, In the District Court 234th Judicial District Harris County, Texas, Cause No. 2010-39531

International Oncology Network Solutions, Inc. et al v. Alan Eagle et al, In the District Court 401st Judicial District Collin Count, Texas, Cause No. 401-03043-2011

S.L. Sibert Management & Construction, Inc. v. Daniel Prescott, et al., District Court, Dallas County, Texas, 160th Judicial District, Cause No. DC-11-03625-H

Protegga, LLC v. Charles Bennett et al, District Court, Collin County, Texas, 429th Judicial District, Cause No. 42901374-2010

Marsh USA, Inc. et al v. Rex Cook et al, District Court, Dallas County, Texas, 68th Judicial District, Cause No. D08-02906-C

StoneEagle Services, Inc. v. David Gillman et al, In United Sates District Court of Northern Texas Dallas Division, Civil Action No. 3-11CV2408-P

HomeVestors of America, Inc. v. Duane LeGate et al, In United States District Court of Northern Texas Dallas Division, Civil Action No. 3-12-CV-01850-P

Radiant Financial, Inc. v. Faye Bagby et al, In the District Court 191st Judicial District Dallas County, Texas, Cause No. DC08-2906

U.S. Commodity Futures Trading Commission v. RFF GP, KGW Capital Management and Kevin G. White & Securities and Exchange Commission v. Kevin G. White et al, In United States District Court of Eastern District of Texas Sherman Division, Civil Action No. 4:13-CV-0382 and 4:13-CV-0283

In Re: Ductile Pipe Fittings (“DIPF) Direct Purchaser and Indirect Purchaser Antitrust Litigation, In the United States District Court for the District of New Jersey, Civil Action No. 12-711 and Civil Action No. 12-169.

NBH Bank, N.A. f/k/a Bank of Midwest, N.A. v. Marlin Atlantis White, Ltd. et al In United States District Court of Northern District of Texas Dallas Division, Civil Action No. 3:13-CV-0347-L

L.W. Hunt Resources, LLC and Richard Raughton (Intervenors), Tiburon Land and Cattle, LP and Trek Resources, Inc. v. Thomas S. Taylor et al In the District Court Fischer County, Texas 32nd Judicial District, Cause No. DC-2013-0016

Talon Transaction Technologies, Inc. et al v. StoneEagle Services, Inc. et al In the United States District Court for the Northern District of Texas Dallas Division, Case No. 3:13-CV-00902-D

Joseph Cooper v. Broderick Steven “Steve” Harvey, In the United States District Court for the Northern District of Texas Dallas Division, Case No. 3:14-CV-04152-B

Attachment 2

	Document Description	Bates Reference Start	Bates Reference End	Location
1.	Second Amended Complaint and Jury Demand	None	None	Backup Book
2.	Defendant's Original Answer, Defenses and Counterclaim	None	None	Backup Book
3.	Plaintiff's Second Supplementary Initial Disclosures	None	None	Backup Book
4.	Deposition of Edward Seaman dated November 3, 2015	None	None	Backup Book
5.	Deposition of Joseph Cooper dated October 23, 2015	None	None	Backup Book
6.	Deposition of Steve Harvey dated October 26, 2015	None	None	Backup Book
7.	Expert Report of Michael A. Einhorn, Ph.D. dated July 10, 2015	None	None	Backup Book
8.	Deposition of Micahel A. Einhorn, Ph.D. dated November 20, 2015	None	None	Backup Book
9.	Plaintiff's Designation of Expert Witnesses	None	None	Electronic
10.	Stand-Up Comedy Concert theatrical releases 1982 to 2015 (Box Office Mojo) and Box Office Mojo Website http://www.boxofficemojo.com	None	None	Electronic
11.	Box Office Statistics – Steve Harvey's <i>Don't Trip...He Ain't Through with Me Yet!</i>	None	None	Electronic
12.	Music Video Distributors (MVD) Filmography as reported by IMDbPro	None	None	Electronic
13.	Can you tell me how many copies of a book has been sold by Amazon Rank? (Quora.com blog)	None	None	Electronic
14.	Amzaon.com Sales Rank – How Does it Work? (chrismcmullen.wordpress.com blog)	None	None	Electronic
15.	2014 -DEG-Home-Entertainment-Spending-Final-External 1-5-2015.pdf	None	None	Electronic
16.	DEG-Q3-2011 Grid FINAL.pdf	None	None	Electronic
17.	Q3-2015-DEG-Home-Entertainment-External.pdf	None	None	Electronic
18.	Home Video Sales Fell In 2014 As Disc Decline Outpaced Digital Growth Deadline.pdf	None	None	Electronic

19.	Bye-bye, Blu-ray/ Video-on-demand and streaming options are gaining on you Computerworld.pdf	None	None	Electronic
20.	Six Reasons Why DVDs Still Make Money -- And Won't Die Anytime Soon.pdf	None	None	Electronic
21.	Hollywood in turmoil as DVD sales drop and downloads steal the show Film The Guardian.pdf	None	None	Electronic
22.	DEG f Q408.pdf	None	None	Electronic
23.	DEG f 3Q09-release.pdf	None	None	Electronic
24.	DEG f Q410.pdf	None	None	Electronic
25.	DEG year end 2011.pdf	None	None	Electronic
26.	DEG-2012-Home-Entertainment-Spending-Final-Ext.pdf	None	None	Electronic
27.	DEG-Year-End-2013-Home-Entertainment-Report.pdf	None	None	Electronic
28.	DEG-2Q15-Cover-Note.pdf	None	None	Electronic
29.	DEG-Home-Entertainment-Spending-Q2-2015.pdf	None	None	Electronic
30.	DEG-2014-YE-cover-note2.pdf	None	None	Electronic
31.	Home Video Sales Fell In 2014 As Disc Decline Outpaced Digital Growth Deadline.pdf	None	None	Electronic
32.	Bye-bye, Blu-ray/ Video-on-demand and streaming options are gaining on you Computerworld.pdf	None	None	Electronic
33.	http://www.the-numbers.com website	None	None	Electronic
34.	IMDbPro database (https://pro-labs.imdb.com)	None	None	Electronic
35.	http://www.imdb.com website	None	None	Electronic
36.	Document Production of Statements of Net Proceeds related to Steve Harvey – <i>Still Trippin [Attorney's Eyes Only]</i>	HFD 0001	HFD 0492	Backup Book
37.	AICPA Practice Aid -6-04 Calculating Lost Profits	None	None	Backup Book
38.	Damages for Loss of Business or Business Opportunity by Nancy Fannon	None	None	Backup Book
39.	AICPA FVS Practice Aid – Discount Rates, Risk and Uncertainty in Economic Damages Calculations	None	None	Backup Book
40.	Journal of Forensic Economics – Key Issues in Measuring Lost Profits	None	None	Library
41.	Litigation Services Handbook: The Role of the Financial Expert, 3 rd and 4 th Edition	None	None	Library
42.	Recovery of Damages for Lost Profits, Robert L. Dunn 6 th Edition	None	None	Library

43.	Considerations in the Valuation of Royalties and License Agreements Associated with Intellectual Property, by Scott A. Barnes	None	None	Backup Book
44.	Intellectual Property Valuation, Exploitation and Infringement Damages by Gordan V. Smith and Russell L. Parr	None	None	Library
45.	The Feature Film Distribution Deal by John W. Cones	None	None	Library
46.	How Hollywood Works by Janet Wasko	None	None	Library
47.	Dictionary of Film Finance and Distribution: A Guide to Independent Filmmakers by John W. Cones	None	None	Electronic
48.	The Insider's Guide to Film Finance by Philip Aberstat	None	None	Electronic

Attachment 3

US Consumer Home Rental/Sell Through Spending (In Billions of \$)							Unit Volume	Unit YTD % Change	DVD/HD YTD % Change
Year	VHS/UMD	DVD/BD/HD	Digital/VOD	Total	YTD % Change				
1999	\$ 12.20	\$ 1.10	\$ 0.60	\$ 13.90	N/A	98.00	N/A	N/A	N/A
2000	\$ 11.40	\$ 2.40	\$ 0.70	\$ 14.50	4.32%	182.40	86.12%	118.18%	
2001	\$ 10.90	\$ 5.30	\$ 0.70	\$ 16.90	16.55%	364.40	99.78%	120.83%	
2002	\$ 9.60	\$ 8.60	\$ 0.70	\$ 18.90	11.83%	685.00	87.98%	62.26%	
2003	\$ 6.90	\$ 13.10	\$ 0.70	\$ 20.70	9.52%	1,023.30	49.39%	52.33%	
2004	\$ 4.40	\$ 16.70	\$ 0.70	\$ 21.80	5.31%	1,518.30	48.37%	27.48%	
2005	\$ 2.10	\$ 18.90	\$ 0.80	\$ 21.80	0.00%	1,656.70	9.12%	13.17%	
2006	\$ 0.40	\$ 20.20	\$ 1.00	\$ 21.60	-0.92%	1,656.60	-0.01%	6.88%	
2007	\$ 0.10	\$ 20.00	\$ 1.30	\$ 21.40	-0.93%	1,646.00	-0.64%	-0.99%	
2008	\$ 0.10	\$ 19.30	\$ 1.60	\$ 21.00	-1.87%	1,407.10	-14.51%	-3.50%	
2009	\$ -	\$ 17.30	\$ 2.10	\$ 19.40	-7.62%	N/A	N/A	-10.36%	
2010	\$ -	\$ 16.30	\$ 2.50	\$ 18.80	-3.09%	N/A	N/A	-5.78%	
2011	\$ -	\$ 13.96	\$ 3.99	\$ 17.95	-4.52%	N/A	N/A	-14.36%	
2012	\$ -	\$ 12.87	\$ 5.13	\$ 18.00	0.28%	N/A	N/A	-7.81%	
2013	\$ -	\$ 11.65	\$ 6.49	\$ 18.14	0.78%	N/A	N/A	-9.48%	
2014	\$ -	\$ 10.27	\$ 7.53	\$ 17.80	-1.87%	N/A	N/A	-11.85%	
2015 -3rd Qtr	\$ -	\$ 6.29	\$ 6.44	\$ 12.73	-19.17%	N/A	N/A	56.55%	
2015-Proj	\$ -	\$ 8.39	\$ 8.59	\$ 16.97	-15.24%	N/A	N/A	-46.79%	-18.34%

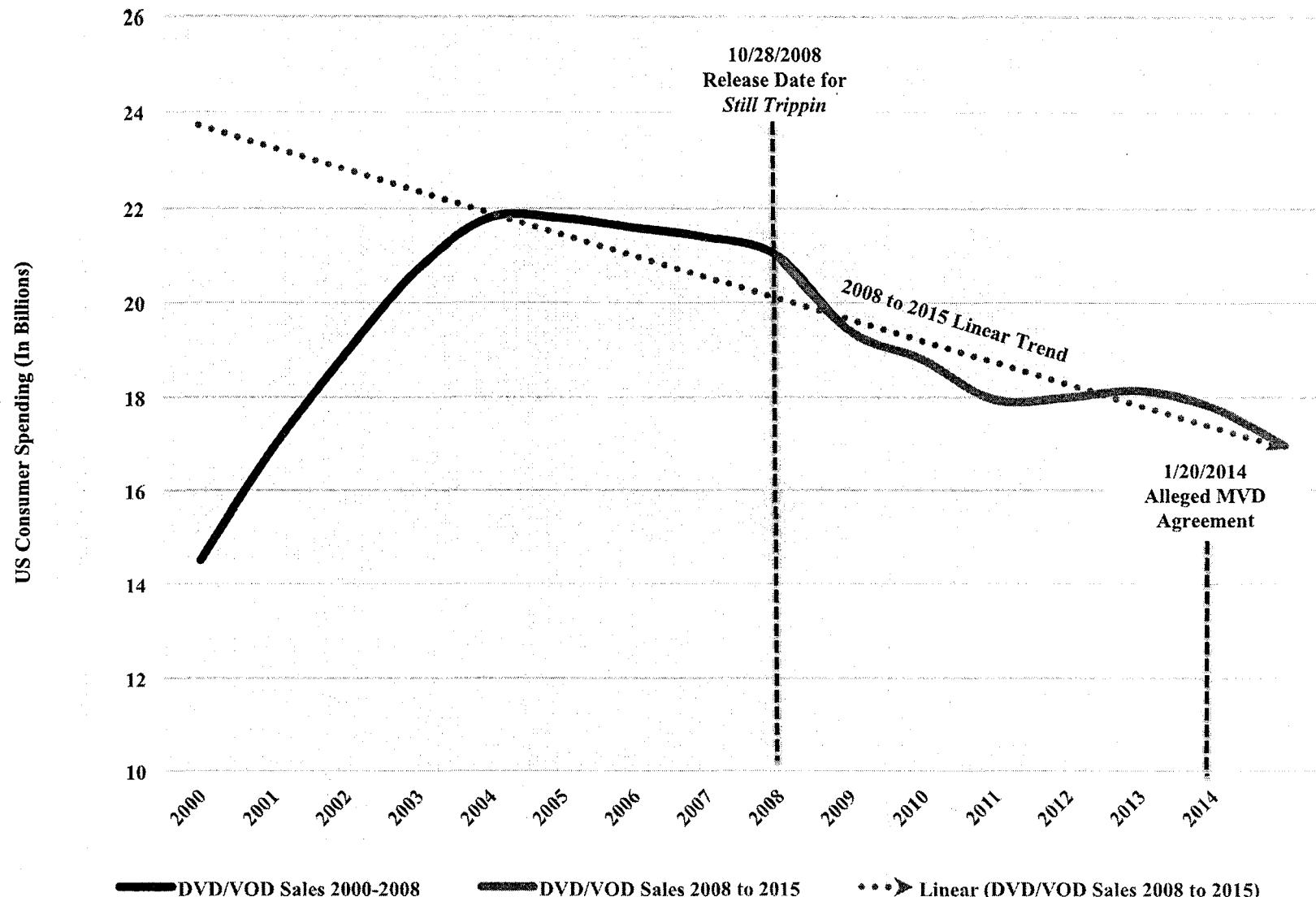
Change in Spending Since 2008 (2015 Projected)
 Change in Spending Since 2008 (2014 Actual)

-19.17%
 -15.24%

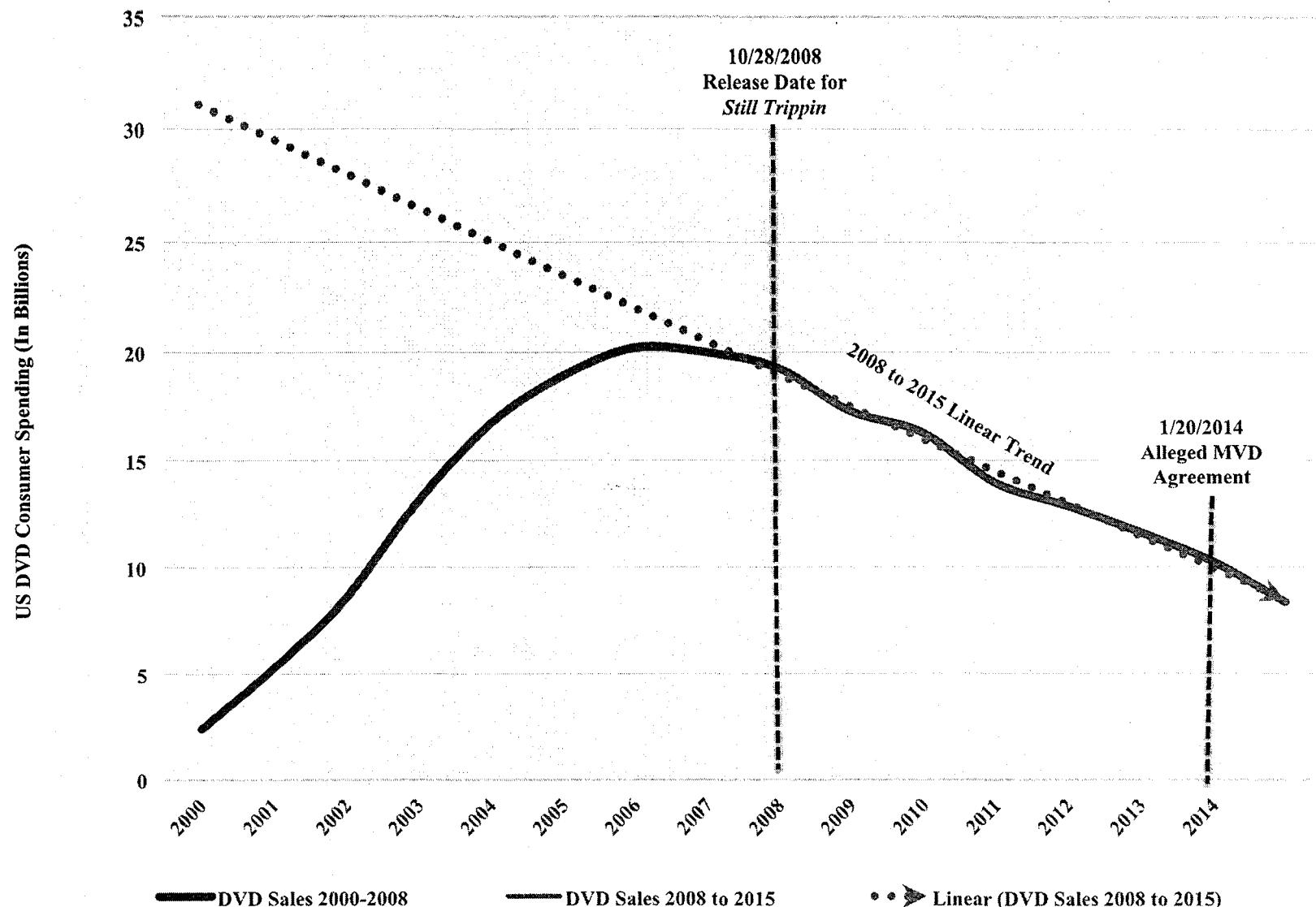
56.55%
 -46.79%

Source: Digital Entertainment Group Year End 2008 Home Entertainment Sales Figures Report (For Years 1999 to 2008)
 Digital Entertainment Group Year End 2010 Home Entertainment Sales Figures Report (For Years 1999 to 2010)
 Digital Entertainment Group Year End 2012, 2014 and Third Quarter 2015 Home Entertainment Sales Figure Reports

Joseph Cooper v. Steve Harvey
US Home DVD/VOD Consumer Spending and Sales
For Years 2000 to 2015



Joseph Cooper v. Steve Harvey
US Home DVD Consumer Spending and Sales
For Years 2000 to 2015



Attachment 4

Joseph Cooper v. Steve Harvey
Summary of Stand-Up Comedy Theatrical Releases
From 1982 to 2015

<u>Rank</u>	<u>Title</u>	<u>Studio</u>	<u>Lifetime Gross</u>	<u>Number of Theatres</u>	<u>Opening Gross</u>	<u>Opening # of Theatres</u>	<u>Date</u>
9	Divine Madness	WB	\$5,318,098	-	\$769,787	127	9/26/80
3	Richard Pryor: Live on the Sunset Strip	Col.	\$36,299,720	1,277	\$7,780,693	1,277	3/12/82
6	Richard Pryor: Here and Now	Col.	\$16,156,776	1,411	\$3,701,609	1,411	10/28/83
1	Eddie Murphy Raw	Par.	\$50,504,655	1,494	\$9,077,324	1,391	12/18/87
14	Without You I'm Nothing	NL	\$1,218,730	-	n/a	-	5/4/90
17	Dice Rules	7Art	\$637,327	-	n/a	-	5/17/91
20	The Search for Signs of Intelligent Life in the Universe	OrionC	\$579,854	-	n/a	-	9/27/91
7	You So Crazy	Gold.	\$10,184,701	517	\$2,521,746	417	4/29/94
15	I'm the One That I Want	Cho	\$1,210,967	8	\$33,671	2	8/4/00
2	The Original Kings of Comedy	Par.	\$38,182,790	1,082	\$11,053,832	847	8/18/00
16	Notorious C.H.O.	Wells	\$1,033,395	26	\$13,188	1	6/28/02
5	Martin Lawrence Live: Runteldat	Par.	\$19,184,820	774	\$7,374,049	752	8/2/02
11	Comedian	Mira.	\$2,751,988	244	\$60,224	4	10/11/02
18	Blue Collar Comedy Tour	WB	\$604,856	-	n/a	-	1/10/03
12	DysFunKtional Family	Mira.	\$2,255,000	602	\$1,079,797	602	4/4/03
23	Margaret Cho: The Assassin Tour	Reg.	\$40,123	8	\$15,001	8	9/2/05
13	Sarah Silverman: Jesus is Magic	IDP	\$1,324,339	57	\$124,475	7	11/11/05
24	The Comedians of Comedy	Vita.	\$549	2	\$354	2	11/11/05
21	Steve Harvey's Don't Trip... He Ain't Through with Me Yet!	Free	\$319,021	56	\$164,926	54	3/17/06
	Vince Vaughn's Wild West Comedy Show: 30 Days & 30 Nights -						
19	From Hollywood to the Heartland	PicH	\$603,894	962	\$464,170	962	2/8/08
22	Allah Made Me Funny	N/A	\$66,903	14	\$38,867	14	10/3/08
8	Kevin Hart: Laugh at My Pain	Code	\$7,706,436	287	\$1,908,420	98	9/9/11
4	Kevin Hart: Let Me Explain	LG/S	\$32,244,051	892	\$10,030,463	876	7/3/13
10	The Fluffy Movie	ORF	\$2,827,393	432	\$1,311,446	432	7/25/14

Historical Box Office Results - Standup Comedy Releases



Attachment 5

Attachment 5

Joseph Cooper V. Steve Harvey
Summary of Music Video Distributor (MVD) Filmography Per Internet Movie Database Pro (IMDb)
For Years 1996 to 2015

DVD Title/ Distribution Territory Rights	Year Released	Movie Meter	Budget	U.S. Gross	All		
					Stand up Comedy	Exclusive Titles	% Standup to Total
1 Boy You a Fool, Vol. 1 – Distributor (2015) (All media) (World-wide)	2015	272,772	\$100K				
2 No Filter the Film – Distributor (2015) (All media) (World-wide)	2015	160,870	\$100K		Number of Stand up Comedy DVD Per IMDb Pro	2	292 0.68%
3 The Fappening – Distributor (2016) (DVD) (United States)	2015	38,148			Number of Stand up Comedy DVD in Website Catalogue (Nov 2015)	4	16,920 0.02%
4 Mandingo Sex Addict (Video) – Distributor (2013) (DVD) (World-wide)	2015	29,257	\$30K				
5 Ace Jackson Is a Dead Man (Video) – Distributor (MVD) (2013) (All media) (World-wide)	2015	172,867	\$20K				
6 Rock the Dreidel – Distributor (2015) (DVD) (World-wide)	2015	276,595	\$25K				
7 Vault of Terror II: The Undead – Distributor (2015) (DVD) (World-wide)	2015	100,030	\$1MM		Music	12,810	16,920 75.71%
8 Loving a Vegetable (Video) – Distributor (2015) (All media) (United States)	2015	90,334			Horror	960	16,920 5.67%
9 Auteur – Distributor (2015) (DVD) (United States)	2014	34,042			Cult	150	16,920 0.89%
10 Scumbag Hustler – Distributor (2014) (DVD) (World-wide)	2014	63,631			Total Non-Stand Up Comedy	13,920	16,920 82.27%
11 Sevendust: Time Travelers and Bonfires Live – Distributor (2014) (Video) (United States)	2014	428,805	\$400K				
12 Alter Bridge Live in Milan (Video) – Distributor (2014) (All media) (United States)	2014	212,708	\$500K				
13 To Jennifer – Distributor (2013) (All media) (United States)	2013	61,876					
14 Goldberg & Eisenberg: Til Death Do Us Part – Distributor (2015) (DVD) (United States)	2013	190,696	\$100K				
15 A Good Samaritan in New York City (Video) – Distributor (2013) (DVD) (World-wide)	2013	344,126	\$10K				
16 Maniac Too! (Video) – Distributor (2013) (DVD) (World-wide)	2013	45,446	\$10K				
The Hidden Hand: Alien Contact and the Government Cover-Up – Distributor (2013) (DVD) (United States)	2013	43,996					
17 The Trade Off (Video) – Distributor (2012) (All media) (World-wide)	2013	33,512	\$20K				
18 Indie Director – Distributor (2013) (All media) (United States)	2013	141,184	\$5K				
19 SexSquatch (Video) – Distributor (2013) (DVD) (United States)	2013	191,286	£4K				
20 Jesus, the Daughter of God – Distributor (2013) (All media) (World-wide), Distributor (2015) (All media) (United States)	2013	138,882	\$5K				
21 Don't Pass Me By – Distributor (2013) (DVD) (World-wide)	2013	50,431	\$650K		Source: IMDb Pro Filmography for Music Video Distributors, Inc. Music Video Distributors, Inc. website (http://www.musicvideodistributors.com)		

	DVD Title/ Distribution Territory Rights	Year Released	Movie Meter	Budget	U.S. Gross
22	Mama Doni's Jewish Holliday Party (Video) – Distributor (2013) (DVD) (United States)	2013	790,615	\$50K	
23	The Tails of Abbygail-The Adventures of Pookie Lu Little (Short) – Distributor (2013) (DVD) (United States)	2013	807,205	\$25K	
24	The Tails of Abbygail: You're a Good Dog (Short) – Distributor (2013) (DVD) (United States)	2013	839,933	\$25K	
25	The Sex Guru – Distributor (2014) (All media) (United States)	2012	324,377		
26	Dreams from My Real Father – Distributor (2012) (DVD) (United States)	2012	45,703		
27	The Hunt – Distributor (2012) (All media) (World-wide)	2012	86,356		
28	Dinosaur Jr: Bug Live at the 9:30 Club – Distributor (2012) (All media) (World-wide)	2012	360,140		
29	Bros on Bikes – Distributor (2012) (All media) (World-wide)	2012	341,861	\$10K	
30	Elvis Found Alive – Distributor (2012) (DVD) (United States)	2012	47,051	\$1MM	
31	Jesus, the Total Douchebag – Distributor (2012) (DVD) (World-wide)	2011	176,777	\$5K	
32	Slaughter Claus – Distributor (2011) (All media) (World-wide)	2011	273,729	\$10K	
33	Antfarm Dickhole – Distributor (2011) (DVD) (World-wide)	2011	33,511	\$6K	
34	Slaughter Claus: Behind the Scenes (Video) – Distributor (2011) (All media) (World-wide)	2011	1,085,210		
35	Rap Sucks – Distributor (2011) (DVD) (World-wide)	2011	124,324	\$5K	
36	Europe: Live at Shepherd's Bush, London 2011 (Video) – Distributor (2011) (DVD) (United States)	2011	272,816		
37	Bob Dylan Revealed – Distributor (2011) (All media) (World-wide)	2011	182,070	\$1MM	
38	Dwarves: The Band That Wouldn't Die (Short) – Production company, Distributor (2011) (DVD) (World-wide)	2011	717,120	\$2K	
40	Rabies – Distributor (2015) (DVD) (United States)	2010	18,873		
41	Zombiechrist – Distributor (2010) (DVD) (United States)	2010	115,120	\$5K	
42	Paul McCartney Really Is Dead: The Last Testament of George Harrison (Video) – Distributor (2010) (DVD) (United States)	2010	43,484		
43	Graffiti Verité' 10: Hip-Hop Dance – Distributor (2010) (DVD) (United States)	2010	444,801	\$50K	
44	Graffiti Verité 8: The Fifth Element (Video) – Distributor (2010) (DVD) (United States)	2010	542,664	\$50K	
45	Graffiti Verité 9: Soulful Ways - The DJ (Video) – Distributor (2010) (DVD) (United States)	2010	623,928	\$50K	
46	Night of the Pumpkin – Distributor (2010) (DVD) (World-wide)	2010	56,829	\$4K	
47	Alice in Wonderland (Video) – Distributor (2010) (Blu-ray/DVD) (United States), Distributor (2010) (DVD) (United States)	2010	119,017		
48	An Interview with Richard Hell by Luc Sante: The Making of Blank Generation (Video) – Production company, Distributor (2010) (DVD)	2010	543,077		

	DVD Title/ Distribution Territory Rights	Year Released	Movie Meter	Budget	U.S. Gross
19	(World-wide) Atomic Jihad: Ahmadinejad's Coming War for Islamic Revival and Obama's Politics of Defeat (Video) – Distributor (2010) (DVD) (United States)	2010	148,739	\$50K	
50	Death Metal: Are We Watching You Die? – Distributor (2010) (All media) (United States)	2010	280,382	\$5K	
51	The Bigfoot Diaries – Distributor (2015) (All media) (United States)	2009	737,268		
52	Albert Collins: In Concert: Ohne Filter (Video) – Distributor (2009) (DVD) (United States)	2009	1,129,165		
53	Ravage the Scream Queen (Video) – Distributor (2009) (DVD) (World-wide)	2009	150,149		
54	Open Your Mouth and Say... Mr. Chi Pig – Distributor (2010) (All media) (World-wide)	2009	184,419		
55	All Stars of Rock Guitar – Distributor (2009) (DVD) (World-wide)	2009	455,138	\$30K	
56	Then & Now: The Making of Pull & Winger IV (Video) – Distributor (2009) (DVD) (World-wide)	2009	1,213,843	\$100K	
57	Breaking Her Will (Video) – Distributor (2009) (DVD) (United States)	2009	24,003	\$10K	
58	Metal Retardation (Video) – Distributor (2009) (DVD) (United States)	2009	295,704	\$5K	
59	Dirtbags: Evil Never Felt So Good – Distributor (2009) (DVD) (United States)	2009	56,323		
60	Nine Inch Nails and the Industrial Uprising (Video) – Distributor (2009) (DVD) (United States)	2009	137,189		
61	Bob Dylan Never Ending Tour Diaries: Drummer Winston Watson's Incredible Journey (Video) – Distributor (2009) (DVD) (World-wide)	2009	230,094		
62	El Chicano: In the Eye of the Storm (Video) – Distributor (2009) (DVD) (United States)	2009	427,688	\$150K	
63	When Two Worlds Collide (Video) – Distributor (2009) (DVD) (United States)	2009	553,118	\$100K	
64	Hip Hop Moguls: The Rags to Riches Stories of the CEO'S of Rap (Video) – Distributor (2009) (DVD) (World-wide)	2009	601,428		
65	Azteca: La piedra del sol – Distributor (2009) (DVD) (United States)	2009	277,356	\$110K	
66	The Tails of Abbygail-Camp Champson (Short) – Distributor (2013) (DVD) (United States)	2009	916,971	\$25K	
67	The Tails of Abbygail-Finding Betty (Short) – Distributor (2013) (DVD) (United States)	2009	707,311	\$25K	
68	The Tails of Abbygail-My Friend Swiss (Short) – Distributor (2013) (DVD) (United States)	2009	786,438	\$25K	
69	The Tails of Abbygail-Shipwrecked (Short) – Distributor (2013) (DVD) (United States)	2009	786,061	\$25K	
70	Metalheads: The Good, the Bad, and the Evil (Video) – Distributor (2008) (DVD) (United States)	2008	39,018	\$5K	
71	Graffiti Verité 7: Random Urban Static (Video) – Distributor (2008) (DVD) (World-wide)	2008	859,019	\$50K	
72	Desperately Seeking Paul McCartney – Distributor (2008) (DVD) (United States)	2008	299,564		
73	Rare and Unseen: The Beatles (Video) – Distributor (2009) (DVD) (United States)	2008	310,175		
74	Attitude for Destruction (Video) – Distributor (2008) (DVD) (United States)	2008	227,897	\$500K	

	DVD Title/ Distribution Territory Rights	Year Released	Movie Meter	Budget	U.S. Gross
75	The Worst Horror Movie Ever Made: The Re-Make (Video) – Distributor (2008) (DVD) (World-wide)	2008	45,009	\$7K	
76	Craig – Distributor (2008) (DVD) (World-wide)	2008	105,112		
77	Frankenstein the Rapist (Video) – Distributor (2008) (DVD) (World-wide)	2008	196,649		
78	The Tails of Abbygail-Dreams Come True (Short) – Distributor (2013) (DVD) (United States)	2008	560,405	\$25K	
79	Sex Gang Children: Live at Ocean (Video) – Distributor (2007) (DVD) (United States)	2007	123,086	\$5K	
80	Farewell Israel: Bush, Iran, and the Revolt of Islam (Video) – Distributor (2007) (DVD) (World-wide)	2007	123,220		
81	Fuzz: The Sound that Revolutionized the World (Video) – Distributor (2007) (DVD) (World-wide)	2007	229,343		
82	Al Dimeola: Speak a Volcano (Video) – Distributor (2007) (DVD) (United States)	2007	836,594		
83	Method Man: Live from the Sunset Strip (Video) – Distributor (2007) (DVD) (United States)	2007	243,646		
84	Wasting Away – Distributor (DVD) (United States)	2007	22,825	\$1MM	
85	Bob Mould: Circle of Friends (Video) – Distributor (2007) (DVD) (United States)	2007	1,003,938		
86	Lik Your Idols – Distributor (2009) (DVD) (United States)	2007	211,329	\$75K	
87	Comedy Ain't for the Money (Video) – Distributor (2007) (Video) (United States)	2007	1,275,524	\$300K	
88	Bill Bruford's Earthworks: Video Anthology Volume 1 (Video) – Distributor (2007) (DVD) (United States)	2007	1,110,020		
89	The Other Side of Rick Wakeman (Video) – Distributor (2007) (DVD) (United States)	2007	500,567		
90	Gothic Vampires from Hell (Video) – Distributor (2007) (DVD) (United States)	2007	112,333	\$150K	
91	Larry Coryell: A Retrospective (A Sequel to His Story) (Video) – Distributor (2007) (DVD) (United States)	2007	857,629	\$40K	
92	ABBA: Dancing Queen Interviews (Video) – Distributor (2007) (DVD) (United States)	2007	749,513		
93	ATA Model Splash (Video) – Distributor (2007) (DVD) (World-wide)	2007	537,426	\$150K	
94	Stryper Live! In Puerto Rico (Video) – Distributor (2007) (DVD) (United States)	2007	417,491	\$100K	
95	Hookers in Revolt (Video) – Distributor (2011) (All media) (World-wide)	2006	42,613	\$10K	
96	Bikini Bloodbath (Video) – Distributor (2007) (DVD) (United States)	2006	69,907		
97	Graffiti Verité 6: The Odyssey (Video) – Distributor (2006) (DVD) (United States)	2006	1,057,899	\$50K	
98	Years in Your Ears (Video) – Distributor (2009) (All media) (World-wide)	2006	461,870	\$100K	
99	Wake Up Screaming (Video) – Distributor (2006) (DVD) (World-wide)	2006	565,701	\$60K	
100	Lovers Flex (Video) – Distributor (2006) (DVD) (United States)	2006	600,607		
101	Dolla Morte (Video) – Distributor (2006) (DVD)	2006	51,739	\$4K	

	DVD Title/ Distribution Territory Rights	Year Released	Movie Meter	Budget	U.S. Gross
102	(World-wide) Look at All the Love We Found: A Tribute to Sublime (Video) – Distributor (2006) (DVD) (United States)	2006	476,844	\$100K	
103	Cut Shorts (Video) – Distributor (2006) (DVD) (World-wide)	2006	390,301	\$67K	
104	Dat's Tite IV (Video) – Distributor (2006) (DVD) (United States)	2006	505,267	\$250K	
105	Video Vixens (Video) – Distributor (2006) (DVD) (United States)	2006	91,235	\$150K	
106	Definition of a Diva (Video) – Distributor (2006) (DVD) (United States)	2006	1,246,698	\$75K	
107	Bob Dylan 1975-1981: Rolling Thunder and the Gospel Years (Video) – Distributor (2006) (DVD) (United States)	2006	331,642	\$100K	
108	Russell Peters: Two Concerts, One Ticket (Video) – Distributor (2006) (DVD) (Canada)	2006	122,234		
109	Rape Is a Circle (Video) – Distributor (2006) (DVD) (World-wide)	2006	37,024	\$15K	
110	Assmonster: The Making of a Horror Movie (Video) – Distributor (2006) (DVD) (World-wide)	2006	111,876		
111	Bad Brains Live at CBGB OMFUG 1982 (Video) – Distributor (2006) (DVD) (United States)	2006	645,357	\$50K	
112	Hubert Selby Jr: It'll Be Better Tomorrow – Distributor (2007) (DVD) (United States)	2005	166,656	\$19K	
113	All Dolled Up: A New York Dolls Story – Distributor (2005) (DVD) (World-wide)	2005	240,160	\$50K	
114	Gongzilla: Live in Concert and the East Village Studio (Video) – Distributor (2003) (DVD) (World-wide)	2005	1,192,747		
115	This Is Black Metal (Video) – Distributor (2005) (DVD) (United States)	2005	558,392	\$25K	
116	BellRays @ the Barfly (Video) – Distributor (2005)	2005	967,620	£2K	
117	(DVD) (United States) Likehell: The Movie (Video) – Distributor (2006) (DVD) (United States)	2005	477,352		
118	Bad Acid (Video) – Distributor (2005) (DVD) (World-wide)	2005	192,650	\$8K	
119	A Good Band Is Easy to Kill – Distributor (2005) (DVD) (World-wide)	2005	237,644	\$32K	
120	Global Enlightenment: Part 1 (Video) – Distributor (2005) (DVD) (United States)	2005	710,421		
121	Metal's Darkside Vol 2: The Deeply Disturbed (Video) – Distributor (2005) (DVD) (United States)	2005	451,365	\$25K	
122	Public Enemy: It Takes a Nation - The First London Invasion Tour 1987 (Video) – Distributor (2005) (DVD) (United States)	2005	674,201		
123	Transition Video Magazine Issue 1 (Video) – Distributor (2005) (DVD) (Non-US)	2005	727,956	\$4K	
124	Prince: The Reign of the Prince of Ages (Video) – Distributor (2005) (DVD) (United States)	2005	1,034,884	\$50K	
125	Sweet Sensation (Video) – Distributor (2005) (DVD)	2005	1,093,901	\$50K	

	DVD Title/ Distribution Territory Rights	Year Released	Movie Meter	Budget	U.S. Gross
126	(World-wide) Leatherface: Boat in the Smoke (Video) – Distributor (2005) (DVD) (United States)	2005	340,288	£2K	
127	Poets in Hip Hop (Video) – Distributor (2005) (DVD) (World-wide)	2005	1,189,846	\$100K	
128	(World-wide) The Crucifier (Video) – Distributor (2005) (DVD)	2005	111,596	\$5K	
129	Outkast: Dare to Be Different (Video) – Distributor (2005) (DVD) (World-wide)	2005	648,001	\$75K	
130	Candido: Hands of Fire (Video) – Distributor (2005) (DVD) (United States)	2005	995,127		
131	Elvis Costello and the Imposters: Live in Memphis (Video) – Distributor (DVD) (United States)	2005	207,323		
132	Stereotypes Don't Just Disappear Into Thin Air (Video) – Distributor (2005) (DVD) (World-wide)	2005	344,291	\$5K	
133	The Coup: The Best Coup DVD Ever (Video) – Distributor (2005) (Video) (United States)	2005	628,961	\$200K	
134	The Worst Horror Movie Ever Made (Video) – Distributor (2005) (DVD) (World-wide)	2005	69,873	\$2K	
135	The Unfinished Works of Sean Weathers (Video) – Distributor (2011) (All media) (World-wide)	2004	234,245	\$15K	
136	Kiss Loves You – Distributor (2007) (DVD) (United States)	2004	242,819	SEK 1.6MM	
137	Twenty to Life: The Life & Times of John Sinclair (Video) – Distributor (2007) (DVD) (United States)	2004	675,952		
138	Fiesta Island Party Girls (Video) – Distributor (2004) (DVD) (United States)	2004	493,731	\$50K	
139	Chronicles of Junior M.A.F.I.A. (Video) – Distributor (2004) (DVD) (United States)	2004	382,641	\$50K	
140	Alice Donut: London There's a Curious Lump in My Sack (Video) – Distributor (2004) (DVD) (United States)	2004	539,067	£2K	
141	Kill the Scream Queen – Distributor (2004) (DVD) (World-wide)	2004	71,801	\$5K	
142	Princess of Hip Hop (Video) – Distributor (2004) (DVD) (World-wide)	2004	1,223,896	\$50K	
143	Belvedere: Live at the Camden Underworld (Video) – Distributor (2004) (DVD) (United States)	2004	850,156	£1K	
144	Captain Everything!: Live at the Camden Underworld (Video) – Distributor (2004) (DVD) (United States)	2004	993,386	£1K	
145	Divit: Live at the Camden Underworld (Video) – Distributor (2004) (DVD) (United States)	2004	907,723	£1K	
146	Ashanti: Princess of Hip Hop Soul (Video) – Distributor (2004) (DVD) (World-wide)	2004	617,146	\$50K	
147	Attack of the Virgin Mummies (Video) – Distributor (2005) (DVD) (United States)	2004	25,069		
148	Put the Needle on the Record – Distributor (2006) (Video) (United States)	2004	114,174		

	DVD Title/ Distribution Territory Rights	Year Released	Movie Meter	Budget	U.S. Gross
149	The Notorious B.I.G.: Ready to Die - The Remaster (Video) – Distributor (2004) (DVD) (United States)	2004	191,399		
150	Mary J. Blige: Queen of Hip Hop Soul (Video) – Distributor (2004) (DVD) (World-wide)	2004	587,566	\$50K	
151	Movement: Detroit Electronic Music Festival (Video) – Distributor (2004) (DVD) (United States)	2004	615,890	\$11K	
152	Mobb Deep: Infamous Allegiance Pt. 1 (Video) – Distributor (2004) (DVD) (United States)	2004	431,742		
153	Iggy & the Stooges: Live in Detroit (Video) – Distributor (2004) (DVD) (United States)	2004	481,425		
154	Devo: Live (Video) – Distributor (2005) (DVD) (United States)	2004	650,542		
155	NoMeansNo & Hanson Brothers: Would We Be... Live? (Video) – Distributor (2004) (DVD) (United States)	2004	838,239	£2K	
156	The Taxman Movie (Video) – Distributor (2004) (DVD) (United States)	2004	581,090		
157	Skits-O-Phrenia (Video) – Distributor (2004) (DVD) (United States)	2004	390,574	\$28K	
158	American Reel – Distributor (2012) (DVD) (United States)	2003	159,790		
159	Naughty Nikki – Distributor (2005) (DVD) (United States)	2003	128,595		
160	The Last Horror Movie – Distributor (2014) (DVD) (United States)	2003	36,605	\$780K	
161	Pet Shop Boys: Pop Art - The Videos (Video) – Distributor (2003) (DVD) (World-wide)	2003	169,778		
162	Noisy! The First Punkervision Comp (Video) – Distributor (2003) (DVD) (United States)	2003	1,138,293	£5K	
163	Quiet Riot Live in the 21st Century (Video) – Distributor (2003) (DVD) (World-wide)	2003	493,092	\$50K	
164	The Human League: The Very Best of (Video) – Distributor (2003) (DVD) (World-wide)	2003	390,164		
165	Flash Fest: Wild Party Girls II (Video) – Distributor (2004) (DVD) (United States)	2003	1,268,502	\$50K	
166	Moby Presents: Alien Sex Party – Distributor (All media)	2003	122,781		
167	Crazy Sexy Cool (Video) – Distributor (2003) (DVD) (World-wide)	2003	112,170	\$75K	
168	My Life with Morrissey (Video) – Distributor (All media)	2003	125,014		
169	Queens of Hip Hop (Video) – Distributor (2003) (DVD) (World-wide)	2003	377,822	\$25K	
170	50 Cent: Shoot First (Video) – Production company, Distributor (2003) (All media) (United States)	2003	867,358		
171	Wesley Willis (Video) – Distributor (All media) (United States)	2003	230,197		

	DVD Title/ Distribution Territory Rights	Year Released	Movie Meter	Budget	U.S. Gross
172	As Friends Rust/Strike Anywhere: Live at Camden Underworld (Video) – Distributor (2003) (DVD) (United States)	2003	1,282,070	£2K	
173	Hip Hop Uncensored Vol. 1: Newrock Stars (Video) – Production company, Distributor (2003) (VHS) (United States)	2003	772,255		
174	Alicia Keys: From Start to Stardom (Video) – Distributor (2003) (DVD) (United States)	2003	####	\$25K	
175	Pus and Vinegar (Video) – Distributor (2003) (DVD) (World-wide)	2003	1,147,263		
176	Graffiti Verité 4: Basic Techniques for Creating Graffiti Art on Walls and Canvas (Video) – Distributor (2005) (DVD) (United States)	2003	682,070		
177	Graffiti Verité 5: The Sacred Elements of Hip-Hop (Video) – Distributor (2005) (DVD) (United States)	2003	370,776		
178	Hip Hop Uncensored Vol. 5: The Greatest Shows on Earth (Video) – Distributor (2003) (DVD) (World-wide)	2003	611,658		
179	Nina Simone: Live at Ronnie Scott's (Video) – Distributor (2003) (DVD) (United States)	2003	280,713		
180	Real Life with Morrissey (Video) – Distributor (2003) (DVD) (World-wide)	2003	838,265		
181	Tension & Release – Distributor (2004) (DVD) (United States), Distributor (2004) (VHS) (United States)	2003	497,838	\$60K	
182	World Tour 1966: The Home Movies (Video) – Distributor (2003) (DVD) (World-wide)	2003	246,314		
183	Hustlaz: Diary of a Pimp (Video) – Distributor (All media)	2002	48,412		
184	Flash Fest: Wild Party Girls (Video) – Distributor (2003) (DVD) (United States)	2002	301,528	\$50K	
185	Through Eyes of the Dead (Video) – Distributor (2002) (DVD) (United States)	2002	246,690		
186	Heavy Metal Comedy – Distributor (All media)	2002	282,774		
187	Silent Cry – Distributor (2013) (DVD) (United States)	2002	107,838	\$4.5MM	
188	Lightning Bolt: The Power of Salad (Video) – Distributor (All media)	2002	412,591		
189	Cooking with Porn Stars (Video) – Distributor (2005) (DVD) (United States)	2002	204,605		
190	Break Ya Neck with Busta Rhymes (Video) – Distributor (2002) (DVD) (World-wide)	2002	457,086	\$40K	
191	Through the Years of Hip Hop, Vol. 1: Graffiti (Video) – Distributor (2002) (DVD) (World-wide)	2002	602,515		
192	Dirtbags (Video) – Distributor (2002) (DVD) (World-wide)	2002	168,940		
193	D.I.Y. or Die: How to Survive as an Independent Artist – Distributor (2003) (All media) (World-wide)	2002	239,518	\$5K	
194	Hip Hop Uncensored Vol. 3: Hustlemania (Video) – Production company, Distributor (2002) (DVD) (United States), Distributor (2002) (DVD) (World-wide), Distributor (2002) (VHS) (World-wide)	2002	349,693		

	DVD Title/ Distribution Territory Rights	Year Released	Movie Meter	Budget	U.S. Gross
195	Hip Hop Uncensored Vol. 4: Miami Vice (Video) – Distributor (2002) (DVD) (World-wide)	2002	476,264		
196	The PhanDom Menace (Video) – Distributor (2002) (DVD) (World-wide)	2002	208,314	AUD 4K	
197	Lust for Vengeance (Video) – Distributor (2011) (All media) (World-wide)	2001	113,587	\$10K	
198	Da Mission (Video) – Distributor (2001) (DVD) (World-wide)	2001	915,069	\$10K	
199	Eminem: Behind the Mask (Video) – Distributor (2001) (DVD) (World-wide)	2001	154,057		
200	Losing Aalityah (Video) – Distributor (2001) (DVD) (World-wide)	2001	152,279	\$20K	
201	Gamepoint (Short) – Distributor (2005) (DVD) (United States)	2001	895,791	\$1K	
202	Doggystyle (Video) – Distributor (Video) (United States)	2001	35,478		
203	Joe Cocker in Concert (Video) – Distributor (All media)	2001	837,917		
204	Tokyo X Erotica – Distributor (DVD) (United States)	2001	73,916		
205	PBS: Punk Broadcasting System (Video) – Production company	2001	484,266		
206	Deep Purple: New, Live and Rare - The Video Collection (Video) – Distributor (2001) (DVD) (United States)	2001	804,781		
207	Pink TV Vol. 2 (Video) – Distributor (2001) (DVD) (United States)	2001	1,270,569		
208	Country Legends (Video) – Distributor (2001) (DVD) (United States)	2001	329,510		
209	Badsville (Video) – Distributor (2001) (DVD) (World-wide)	2001	212,916	\$5K	
210	Graffiti Verité 3: A Voyage Into the Iconography of Graffiti Art – Distributor (2000) (DVD) (United States)	2000	694,413		
211	Tale of the Fox (Video) – Distributor (2000) (DVD) (World-wide)	2000	304,206	\$30K	
212	Eminem: Hitz & Disses (Video) – Distributor (2000) (DVD) (United States)	2000	1,043,130		
213	I.K.U. – Distributor (2002) (DVD) (United States)	2000	64,429		
214	Blink 182: Probed Unauthorized (Video) – Distributor (2000) (DVD) (World-wide)	2000	708,409		
215	The Best of Lil' Kim (Video) – Distributor (2000) (DVD) (United States)	2000	800,913		
216	El corrido del bato loco (Video) – Distributor (2004) (DVD) (United States)	2000	1,081,839		
217	Hip Hop Uncensored Vol. 2: The Real Hip Hop (Video) – Distributor (2002) (DVD) (United States)	2000	364,577		
218	MC5: Kick Out the Jams (Video) – Production company, Distributor (2005) (DVD) (United States)	1999	223,482	\$20K	
219	Christina Aguilera: Out of the Bottle (Video) – Distributor (2000) (DVD) (United States)	1999	474,304		
220	Britney Spears: 'Star Baby' Scrapbook (Video) – Distributor (1999) (DVD) (United States)	1999	366,484		

	DVD Title/ Distribution Territory Rights	Year Released	Movie Meter	Budget	U.S. Gross
221	Demystifying the Devil: An Unauthorized Biography on Marilyn Manson – Distributor (All media)	1999	124,439		
222	Night of the Bums – Distributor (2007) (All media) (World-wide)	1998	321,377		
223	Graffiti Vérité 2: Freedom of Expression? (Video) – Distributor (1998) (DVD) (United States)	1998	849,984		
224	They All Must Die! (Video) – Distributor (2011) (DVD) (World-wide)	1998	53,743	\$10K	
225	Radiohead: 7 Television Commercials (Video) – Distributor (1998) (VHS) (United States)	1998	97,233		
226	Sublime: Stories, Tales, Lies & Exaggerations (Video) – Distributor (1998) (DVD) (World-wide)	1998	184,137		
227	Ohne Filter - Musik pur: Candy Kane (Video) – Distributor (2003) (DVD) (World-wide)	1997	456,705		
228	Out of the Loop – Distributor (Video)	1997	324,644		
229	Darklands – Distributor (2012) (DVD) (United States)	1996	106,203	\$750K	
230	Do the Macarena (Video) – Distributor (1996) (VHS) (World-wide)	1996	175,038		
231	House of the Damned (Video) – Distributor (2011) (All media) (World-wide)	1996	280,442	\$10K	
232	The Riot (Video) – Distributor (2006) (DVD) (World-wide)	1996	500,729		
233	Graffiti Vérité (Video) – Distributor (1995) (DVD) (United States)	1995	322,735		
234	Art of Nude Bowling (Video) – Distributor (1995) (Theatrical) (United States), Distributor (1995) (All media) (United States)	1995	417,531		
235	The Best of Flipside Video #2 (Video) – Distributor (1995) (VHS) (World-wide), Distributor (VHS) (World-wide)	1995	897,630		
236	The Best of Flipside Video #3 (Video) – Distributor (1995) (VHS) (World-wide)	1995	746,514		
237	Grow Live Monsters (Video) – Distributor (2006) (DVD) (World-wide)	1995	847,265		
238	The Best of Flipside Video #1 (Video) – Distributor (1994) (VHS) (World-wide)	1995	882,894		
239	Janis Joplin Slept Here – Distributor (All media)	1994	502,067		
240	Stepping Razor: Red X – Distributor (All media)	1993	141,306		
241	Hated: GG Allin & the Murder Junkies – Distributor (2005) (DVD) (United States), Distributor (2007) (DVD) (United States)	1993	32,584		
242	The Washing Machine – Distributor (2005) (VHS) (United States)	1993	44,609		
243	Unfaithful Wife: Shameful Torture – Distributor (2001) (DVD) (United States)	1992	32,377		
244	Queen's Greatest Hits (Video) – Distributor (All media)	1992	602,315		
245	GWAR: Phallus in Wonderland (Video) – Distributor (1999) (DVD) (United States)	1992	79,441		
246	Dancin' Thru the Dark – Distributor (2003) (VHS) (United States)	1990	47,377		
247	Charles Manson Superstar (Video) – Distributor (DVD) (United States)	1989	51,376		
248	Ghetto Blaster – Distributor (2014) (DVD) (United States)	1989	66,594		

	DVD Title/ Distribution Terretory Rights	Year Released	Movie Meter	Budget	U.S. Gross
249	Murder Weapon – Distributor (2013) (DVD) (United States)	1989	113,469		
250	Deadly Embrace (Video) – Distributor (2013) (DVD) (United States)	1989	112,272		
251	Nightmare Sisters – Distributor (2013) (DVD) (United States)	1988	60,369	\$40K	
252	A Bitter Message of Hopeless Grief (Video) – Distributor (2004) (DVD) (United States)	1988	326,765		
253	Pinochio and the Emperor of the Night – Distributor (2004) (VHS) (United States)	1987	53,463	\$8MM	\$3.3MM
255	Dead Kennedys: The Early Years (Video) – Distributor (2001) (DVD) (United States)	1987	414,172		
256	Chet Baker: Live at Ronnie Scott's (Video) – Distributor (1986) (VHS) (World-wide)	1986	407,718		
257	Doctor Duck's Super Secret All-Purpose Sauce (Video) – Distributor (Video)	1986	172,930		
258	Dead Kennedys: DMPO's on Broadway (Video) – Distributor (2004) (DVD) (United States)	1985	439,266		
259	Desperate Teenage Lovedolls – Distributor (2003) (DVD) (United States)	1984	139,013	\$350	
260	Black Flag Live – Distributor (2000) (DVD) (United States)	1984	627,879		
261	Caged Fury – Distributor (2009) (DVD) (United States)	1983	150,717		
267	The Slog Movie – Distributor (2003) (DVD) (United States)	1982	246,492	\$5K	
268	Ten Violent Women – Distributor (DVD) (United States)	1982	50,095		
269	The Prince's Trust Rock Gala – Distributor (All media)	1982	293,034		
270	The Cramps: Live at Napa State Mental Hospital (Video) – Distributor (DVD) (United States)	1981	361,836		
271	Talmage Farlow – Distributor (2006) (DVD) (World-wide)	1981	359,079		
272	Punk Can Take It (Short) – Distributor (2004) (DVD) (United States)	1979	358,934		
273	Rockers – Distributor (2005) (DVD) (United States)	1978	55,086		
274	Leopard in the Snow – Distributor (2007) (DVD) (United States)	1978	73,817	CAD 1.1MM	
275	Summer Night Fever – Distributor (2002) (VHS) (United States)	1978	98,400		
276	Erotic Encounters – Distributor (2009) (DVD) (United States) (as "Truck Stop")	1978	191,581		
277	Jailbait Babysitter – Distributor (2003) (VHS) (United States)	1977	31,061		
278	Gums – Distributor (2012) (DVD) (United States)	1976	95,591	\$1MM	
279	Slumber Party '57 – Distributor (2009) (DVD) (United States)	1976	56,167		
280	Enter the Devil – Distributor (2003) (DVD) (United States)	1974	67,142		
281	In the Sign of the Taurus – Distributor (DVD) (United States)	1974	36,517		
282	Erotic Diary – Distributor (2009) (DVD) (United States)	1974	100,840		

	DVD Title/ Distribution Territory Rights	Year Released	Movie Meter	Budget	U.S. Gross
283	States) The London Rock and Roll Show – Distributor (2004) (DVD) (United States)	1973	211,019		
284	No Way Out – Distributor (2009) (DVD) (United States)	1973	77,331		
285	My Body Burns – Distributor (2009) (DVD) (United States)	1973	365,732		
286	I Dismember Mama – Distributor (2009) (DVD) (United States)	1972	85,801		
287	Isle of the Snake People – Distributor (2003) (DVD) (United States)	1971	57,491		
288	Strawberries Need Rain – Distributor (2009) (DVD) (United States)	1970	81,464		
289	Syd Barrett's First Trip (Short) – Distributor (All media)	1966	178,766		
290	The Magic Sun (Short) – Distributor (2005) (DVD) (United States)	1966	402,826		
291	The Belles of St. Trinian's – Distributor (2002) (VHS) (United States)	1954	21,938		
292	Brass Monkey – Distributor (2006) (DVD) (United States)	1948	125,544		